

PAPUA NEW GUINEA

CRIMINAL  
PRACTICE RULES  
2022

# CRIMINAL PRACTICE RULES 2022

I, Chief Sir Gibuma Gibbs Salika GCL KBE CSM OBE, Chief Justice of Papua New Guinea, certify that, pursuant to section 184 (*rules of court*) of the *Constitution* and section 8 (*rules of Court of the National Court*) of the *National Court Act* (Chapter No 38) and all other powers enabling, the following Rules, described as “*Criminal Practice Rules 2022*”, prescribing the practice and procedure of the National Court of Justice for the conduct of criminal cases and related matters, have been made by the Judges and shall come into force on a date to be determined by the Chief Justice by notice published in the *National Gazette*.

Dated this 28<sup>th</sup> day of February 2022

Chief Sir Gibuma Gibbs Salika GCL, KBE, CSM, OBE  
Chief Justice of Papua New Guinea

Editorial note:

The date on which the *Criminal Practice Rules 2022* shall come into force is 1 May 2022 (as determined by the Chief Justice and published in *National Gazette* No G162 of 9 March 2022).

# *Order 1*

## ADMINISTRATIVE MATTERS

### Division 1—General

#### **1 Commencement and repeal**

These Rules come into force on a date determined by the Chief Justice and upon that date the *Criminal Practice Rules 1987* are repealed.

#### **2 Guiding principles**

These Rules are intended to promote the fair, just and speedy disposition of all criminal cases in the National Court so as to maintain the Rule of Law and to ensure that the rights of all accused persons under s 37(3) of the *Constitution* to be afforded a fair hearing, within a reasonable time by an independent and impartial court, are enforced.

#### **3 Definitions**

In these Rules, unless the contrary intention appears:

“accused” means a person charged with a criminal offence and tried in the National Court;

“associate” means a person appointed to be an Associate to a Judge;

“Bail Rules” means the *Bail Rules 2021*;

“Code” means the *Criminal Code* in Schedule 1 to the *Criminal Code Act*, Chapter No 262;

“Court” means the National Court of Justice;

“court file” means the papers filed in the Registry for the use of the Court;

“Judge” means a Judge or acting Judge of the National Court of Justice;

“offender” means a person who has been convicted of a criminal offence;

“probation report” means a report made under the provisions of the *Probation Act 1979*;

“Registrar” means the Registrar of the National Court;

“Registry” means the Office of the National Court and includes a sub-registry;

“the State” means the Independent State of Papua New Guinea.

## **Order 1, Rule 4**

### **4 Forms**

The forms in these Rules should generally be used where applicable but may be considered unnecessary or varied at the discretion of a Judge and unless the contrary intention appears a Judge may at his or her discretion decide not to adopt a form in any case.

### **5 Substantial compliance**

It is sufficient compliance with any requirement of these Rules as to the form of any document if the document is substantially in accordance with the requirement or has such variation as the nature of the case requires.

### **6 Citation of Acts altered**

If the citation of an Act stated in a form is subsequently altered, the citation as altered may be substituted for the citation of that Act in the form.

### **7 Applications in respect of present or proposed proceedings**

- (1) Unless the contrary intention appears, any application provided for by the Code or by these Rules or any other application in respect of criminal proceedings:
  - (a) in cases in which a CR file has not yet been opened, shall be made by originating summons in separate proceedings, unless a Judge directs otherwise; and
  - (b) in cases in which a CR file has already been opened, may be made orally or by notice of motion, in those CR proceedings.
- (2) Examples of applications under the Code referred to in sub-rule (1) are applications for: a change of the place of trial (s 522(2)); arrest of a judgment on verdict (s 594); reservation of a case for consideration by the Supreme Court (s 595); a stay of execution of a death sentence (s 599); discharge of a person detained as a habitual criminal (s 610(1)).
- (3) No fee is payable for any application made under or in connection with these Rules.

### **8 Lack of procedural provision**

- (1) Where a person desires to take any step in proceedings under or in connection with these Rules and the manner or form of the procedure is not prescribed, the person may apply to a Judge for directions.
- (2) A Judge may at any time, with or without application, give such directions for the fair and expeditious conduct of a case as are considered necessary or desirable in the interests of justice.

### **9 Practice directions**

The Registrar may, in consultation with the Chief Justice, issue a practice direction in relation to any matter concerning these Rules to clarify the procedure and application or to otherwise explain or regulate any matter concerning the Rules.

### **10 Dispensation**

A Judge may dispense with compliance with any of the requirements of these Rules, either before or after the occasion for compliance occurs, if it is considered necessary or desirable in the interests of justice.

**Division 2—Registry functions**

**11 File references**

The Registrar shall use the following file references for or in relation to criminal proceedings:

- (a) CR No ... of .... (year) shall be used for criminal cases commenced under Order 2 of these Rules, apart from those given a CR (FC) or CR (JJ) reference;
- (b) CR (FC) No ... of .... (year) shall be used for criminal cases commenced under Order 2 of these Rules, that are fraud and corruption cases as defined in Division 4.1;
- (c) CR (JJ) No ... of .... (year) shall be used for criminal cases commenced under Order 2 of these Rules, in which the accused has been determined to be a juvenile under Division 3.1 or is reasonably believed to be a juvenile, pending such a determination;
- (d) CR (RC) No ... of .... (year) shall be used in those cases in which a new file is to be opened, pursuant to Division 11.11, after a sentence is passed, or other miscellaneous criminal-related proceedings;
- (e) NCRA No ... of .... (year) shall be used in cases that are criminal appeals from the District Court to the National Court or any other criminal-related appeals to the National Court;
- (f) OS (CR) No ... of .... (year) shall be used when an originating summons is used to commence proceedings or make an application in relation to actual (whether concluded or not) or proposed or potential criminal proceedings, and in cases in which the originating summons relates to actual criminal proceedings the file reference for such actual proceedings shall appear in the naming of the case.

**12 Case lists**

- (1) The Registrar shall, for each registry, maintain three major case lists, which record the cases filed in that registry relating to charges in the criminal jurisdiction of the Court:
  - (a) Bail & Remand List (consisting of all CR, CR (FC) & CR (JJ) cases in which the accused is on bail or in remand), containing the details and set out in Form 1;
  - (b) Bench Warrant List (consisting of all CR, CR (FC), CR (JJ) & CR (RC) cases in which the accused is the subject of a warrant of arrest), containing the details and set out in Form 2;
  - (c) Other Criminal Matters List (consisting of those cases with the file references CR (RC), NCRA and OS (CR), containing the details and set out in Form 3.
- (2) The Registrar shall, for each registry, maintain three other lists as sub-sets of the Bail & Remand List:
  - (a) The Criminal (General) List, containing the details and set out in Form 4;
  - (b) The Criminal (Fraud & Corruption) List, containing the details and set out in Form 5;
  - (c) The Criminal (Juvenile) List, containing the details and set out in Form 6.
- (3) The Registrar shall install a system of maintenance and control to ensure that each list is checked, amended and accurate at the end of each month.

**13 Maintenance of Bench Warrant List**

- (1) The Judge responsible for a Bench Warrant List shall ensure that at least once every six months a callover of the Bench Warrant List is conducted so that the details of the accused and last known address of the accused and the arresting officer and all other details are accurate and current.

## **Order 1, Rule 14**

- (2) Any matter on the Bench Warrant List for two years or more shall be the subject of special attention and the Public Prosecutor shall be asked whether the State is intent on pursuing the case, having regard to the seriousness of the charge (taking into account the maximum penalty), and the resources of the State that would be required to prosecute the matter, and whether it is an appropriate case for a declaration under s 525(1)(b) of the Code or for a *nolle prosequi* under s 527(1) of the Code.

### **14 Dealing with accused on bail**

The Registrar shall ensure that whenever an accused is granted bail, a copy of the order granting bail, the bail certificate and other relevant bail documents are placed in the criminal file pertaining to that person.

### **15 Service and communication**

- (1) It is not necessary for any documents prepared or filed under these Rules to be personally served unless there is an express direction to that effect by a Judge.
- (2) All persons and parties involved in criminal matters under these Rules are encouraged to communicate with and serve documents on each other by the quickest available means.
- (3) The Registrar shall from time-to-time authorise and publish in the *National Gazette* a list of email addresses for the different Registries in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted, and shall ensure that that list is accurate and current at all times.
- (4) The Public Prosecutor shall from time to time publish in the *National Gazette*, and update, a list of email addresses for the different offices of the Public Prosecutor in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted, and shall ensure that that list is accurate and current at all times.
- (5) The Public Solicitor shall from time to time publish in the *National Gazette* and update a list of email addresses for the different offices of the Public Solicitor in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted; and shall ensure that that list is accurate and current at all times.

# *Order 2*

## COMMENCEMENT OF PROCEEDINGS

### Division 1—Manner of commencement

#### **1 Commencement**

Criminal proceedings regarding an indictable offence shall be commenced upon:

- (a) receipt by the Registry from a District Court of a notice of committal of a person for trial in the National Court, which shall be issued in Form 7; or
- (b) receipt by the Registry from a District Court of a notice of committal of a person for sentence in the National Court pursuant to s 421(4) of the Code, which shall be issued in Form 7; or
- (c) receipt by the Registry from the Public Prosecutor of a notice of intention to prosecute pursuant to s 526 of the Code, which shall be issued in Form 8; or
- (d) receipt by the Registry of an order of the Court granting leave under s 616 of the Code to a private prosecutor for presentation of an information, which may be given in Form 9.

#### **2 Opening of file**

- (1) The Registrar shall in any case that rule 1 applies, open a criminal file, using the appropriate file reference prescribed by Order 1 rule 11, having regard to the following guidelines:
  - (a) in cases in which an accused has been committed for trial on more than one charge it is not necessary to open a separate file for each charge, but if the offences are of a different type or in relation to different alleged facts and circumstances, it may be appropriate to open separate files; and
  - (b) in cases in which more than one person has been committed for trial for the same offence, a separate file shall be opened in respect of each person.
- (2) An antecedent report in Form 83 in relation to the accused, shall be prepared by the police investigator and placed in the file as the next document after the originating process.

#### **3 Preliminary hearings**

As soon as is practicable after the opening of a criminal file, the matter shall be called for the first mention, and the Judge shall, to the extent necessary and appropriate:

- (a) identify the nature of the charges;
- (b) ascertain legal representation for the accused;
- (c) ascertain the bail or remand status of the accused;

## **Order 2, Rule 4**

- (d) grant bail in accordance with the *Bail Rules* or issue a warrant of commitment on remand in Form 11;
- (e) adjourn the matter to a fixed date and time for a further preliminary hearing.

### **Division 2—Proceedings under section 526 of the Code**

#### **4 Notice of intention to prosecute**

In cases in which a District Court has refused to commit a person for trial of an indictable offence and the Public Prosecutor decides to prosecute under s 526 of the Code, the Public Prosecutor shall file a Notice of Intention to Prosecute pursuant to s 526 of the *Criminal Code*, in Form 8, and serve the notice on the accused, which shall give the accused at least seven days' notice of the date and place of the first mention of the proceedings before a Judge.

#### **5 Service of notice**

The Public Prosecutor may, in any case in which personal service of a notice under rule 4 is impracticable, seek leave of the Court, orally or by notice of motion, to serve the notice in some other manner including service by notice in the daily newspapers.

#### **6 Directions**

At the first mention of a matter the Judge shall give directions as to the manner and time by which the Public Prosecutor shall comply with the requirements of s 526(3) of the Code.

#### **7 Form and content of indictments**

The provisions of these Rules as to the form and content of indictments shall apply irrespective of whether an indictment is drafted and presented under s 525 or s 526 of the Code or under any other law.

### **Division 3—Private prosecutions under section 616 of the Code**

#### **8 Leave of court**

- (1) A person who wishes to exercise the powers of a private prosecutor under s 616 of the Code shall file and serve on the Public Prosecutor and on the proposed accused, an originating summons, seeking leave of the Court under s 616(1) of the Code.
- (2) An originating summons referred to in sub-rule (1) shall be supported by affidavit, which shall state the grounds on which leave is sought and provide evidence of committal proceedings in a District Court committing the accused for trial and the position of the Public Prosecutor on the proposed private prosecution.
- (3) If the Court grants leave under s 616(1) of the Code:
  - (a) an order granting leave may be made in Form 9, including such directions under s 617 of the Code as to the amount and manner of the security to be given by the prosecutor; and
  - (b) the prosecutor shall serve the order on the Public Prosecutor and the accused; and
  - (c) the OS (CR) file in which the application for leave was made shall be closed; and
  - (d) the Registrar shall within three days after the granting of leave, open a CR file in relation to the matter using an appropriate file reference as prescribed by Order 1 rule 11.

- (4) If the Court refuses leave under s 616(1) of the Code:
- (a) an order refusing leave may be made in Form 10; and
  - (b) the OS (CR) file in which the application for leave was made shall be closed.

## **9 Notice of intention to prosecute under s 616 of the Code**

In cases in which the Court has granted leave to prosecute under s 616(1) of the Code, the person granted leave shall file a Notice of Intention to Prosecute pursuant to section 616 of the Code, in Form 12, and serve the notice on the accused, which shall give the accused at least seven days' notice of the date and place of the first mention of the proceedings before a Judge.

## **10 Service of notice under s 616 of the Code**

The person granted leave under s 616(1) of the Code may, in any case in which personal service of a notice under rule 9 is impracticable, seek leave of the Court, orally or by notice of motion, to serve the notice in some other manner including service by notice in the daily newspapers.

## **11 Directions**

At the first mention of proceedings under s 616 of the Code, the Judge shall give directions as to the manner and time by which the prosecutor shall comply with the requirements of ss 616(2) to (5) of the Code.

# **Division 4—Charging instruments**

## **12 Definition**

In this division, “charging instrument” refers to the document containing the charge(s) against the accused.

## **13 Statement of offences**

- (1) In prosecutions conducted by the Public Prosecutor, the charging instrument shall be an indictment, set out in Form 13.
- (2) The statement of offence in the indictment may be in the words of:
  - (a) the Schedule 1 form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence; or
  - (b) if there is no Schedule 1 form for the offence, the Code or other law creating the offence.

## **14 Cases commenced by private prosecutor**

- (1) In prosecutions conducted by a private prosecutor under s 616 of the Code, the charging instrument shall be an information, set out in Form 14.
- (2) The statement of offence in the indictment may be in the words of:
  - (a) the Schedule 1 form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence; or
  - (b) if there is no Schedule 1 form for the offence, the Code or other law creating the offence.

## **Order 2, Rule 15**

### **15 Charges and amendment**

- (1) Subject to this rule, the charges in a charging instrument shall be described as “Counts” and shall, if there is more than one charge, be numbered consecutively beginning with the number 1.
- (2) When an alternative charge is expressly pleaded it shall be described as such and clearly indicate the count in respect of which it is an alternative.
- (3) Where, on a trial, an application is made to amend an indictment, it may be made orally or, if directed by the Court by notice of motion supported, if appropriate, by affidavit, and determined in accordance with s 535 of the Code and other relevant laws.

### **Division 5—Separate trials**

### **16 Application for separate trials**

An application under s 568 of the Code may be made orally or, if directed by the Court, by notice of motion.

### **Division 6—Challenges to commencement of proceedings**

### **17 Quashing of indictment**

- (1) An application by an accused under s 534(2) or s 558 of the Code to quash an indictment may be made, subject to the directions of the Court, orally or by notice of motion, after presentation of the indictment or information, and before pleading to the charge.
- (2) A notice of motion referred to in sub-rule (1) shall state the grounds on which the application is based.

### **18 Demurrer**

- (1) An accused who intends to demur to a charge under s 567 of the Code shall, if directed by a Judge, in accordance with s 560(1) of the Code, after presentation of the indictment and before pleading to the charge, orally indicate their intention, either personally or through their lawyer, to the Court, and then, subject to any directions of the Court, file and serve a demurrer in Form 15.
- (2) A demurrer referred to in sub-rule (1) shall be supported by an affidavit of the accused and shall state the grounds on which the demurrer is based.

### **Division 7—Want of understanding of accused**

### **19 Inquiry to discover whether accused is capable of understanding proceedings**

Where the accused is called on to plead to an indictment and it appears to the Judge that the accused is not capable of understanding the proceedings or that it is not clear whether the accused is capable of understanding the proceedings, and the Court is required under s 569(1) of the Code to inquire into the matter in order to discover whether the accused is capable of understanding the proceedings, it may inquire into the matter in the way it sees fit, including obtaining expert psychiatric and/or psychological opinion and making orders such as in Form 16 to request such opinions to be presented to the Court.

**20 Finding of whether accused capable of understanding proceedings**

- (1) The Court shall, as soon as is practicable after undertaking an inquiry under s 569(1) of the Code, make a finding as to whether the accused is capable of understanding the proceedings.
- (2) If the Court finds that the accused is capable of understanding the proceedings, it may make an order in Form 17 in accordance with s 569(2) of the Code and proceed accordingly.
- (3) If the Court finds that the accused is not capable of understanding the proceedings, it may make an order in Form 17 in accordance with s 569(3) of the Code and proceed accordingly.

**Division 8—Delay in commencement of trial**

**21 Purpose of this division**

The purpose of this division is to provide a system for facilitating compliance with the reporting obligations of the Chief Justice under s 37(14) of the *Constitution*.

**22 Monthly reports to be compiled**

Each Judge with administrative responsibility for a criminal case list for any registry shall by the tenth day of each month, apart from January, compile a list of each criminal case on that list in which the trial has, as at the last day of the preceding month, not commenced within four months after the date of committal for trial, in Form 18, and forward the list to the Chief Justice.

**23 Reports by Chief Justice**

The Chief Justice may, if considered appropriate, forward any of those reports forwarded to him under the last preceding rule, to the Minister for Justice pursuant to s 37(14) of the *Constitution*.

# Order 3

## PROCEEDINGS INVOLVING JUVENILES

### Division 1—Administration

#### 1 Registrar's obligations

- (1) The Registrar shall ensure that every registry and sub-registry in the country is alerted to the special requirements for dealing with juvenile matters imposed by the *Juvenile Justice Act 2014*.
- (2) Without limiting the generality of sub-rule 1(1), the officer in charge of a registry or sub-registry shall assess every criminal matter upon referral to the National Court to identify whether it is in regard to a person who is or may be a juvenile.

#### 2 Separate files etc

In any case in which the accused is appears or is alleged to be a juvenile, the registry or sub-registry shall:

- (a) maintain separate records in accordance with s 109 of the *Juvenile Justice Act 2014*;
- (b) keep the matter in a specially coloured file used only for juvenile matters labelled CR (JJ) No ... of 20xx;
- (c) notify the Judge with administrative responsibility for juvenile matters for that registry, immediately after the file has been opened, that there is a juvenile matter that needs to be listed;
- (d) subject to any directions of a Judge, list the matter before a Judge at the earliest opportunity;
- (e) ensure that juvenile matters are listed separately from matters regarding adults;
- (f) ensure that all court lists do not refer to a juvenile by their full name and refer to the juvenile by their initials and in all other respects comply with the requirements of s 112 of the *Juvenile Justice Act 2014*.

#### 3 Monthly reports

The officer in charge of a registry or sub-registry shall produce monthly reports to the Judge responsible for the Registry that identify the number, age, nature and status of every juvenile matter, including the age and gender of each juvenile.

## Division 2—First appearance inquiry

### 4 Determination of age

- (1) In any case in which the accused appears or is alleged to be a juvenile, the Court shall, as soon as is practicable after commencement of the proceedings, having regard to s 4 (*age determination*) of the *Juvenile Justice Act* 2014 and s 63 (*age*) of the *Evidence Act*, Chapter No 48, determine the age of the accused by making a finding as to the date of birth of the accused, which shall be recorded in Form 19.
- (2) In making a determination under sub-rule (1) the Court:
  - (a) shall have regard to the matters set out in s 4(3) of the *Juvenile Justice Act*; and
  - (b) may, in cases where it is unable with precision to determine the date of birth of the accused, estimate the date of birth, and for that purpose it is suggested that an appropriate estimated date of birth would be 1 July of the year in which it is estimated that the accused was born.

### 5 Determination of jurisdiction

If the Court determines that the accused is a juvenile, the Court shall proceed to determine whether it has jurisdiction in the case, having regard to s 20 (*exercise of jurisdiction by National Court*) of the *Juvenile Justice Act*, in Form 20.

### 6 First appearance inquiry

At a juvenile's first appearance before a Court, and prior to taking a plea from the juvenile, the Court shall, in accordance with s 61 of the *Juvenile Justice Act* 2014:

- (a) explain to the juvenile the nature of the allegations made against him or her; and
- (b) make a determination as to the juvenile's age; and
- (c) inquire as to the treatment the juvenile has received, and whether his or her rights under the *Constitution* and the *Juvenile Justice Act* have been complied with; and
- (d) make a determination whether diversion is appropriate; and
- (e) inquire whether the juvenile has had contact with or received assistance from a juvenile justice officer; and
- (f) decide whether to grant bail to the juvenile.

### 7 Diversion option

When considering the diversion option, the Court shall have regard to the matters set out in s 28 (*juveniles to be considered for diversion*) of the *Juvenile Justice Act* 2014 and other provisions of Part III (*diversion*) of that Act and record its opinion in Form 21 and proceed accordingly.

## Division 3—Special procedures for juvenile cases

### 8 Description of proceedings

In any juvenile case the Court shall ensure that the full name of the juvenile is not, unless for good reason a decision is made to the contrary, used to describe the proceedings and shall ensure that an appropriate pseudonym is used, such as "The Juvenile, AB" or something similar.

## **Order 3, Rule 9**

### **9 Procedures to be adopted in juvenile cases**

When conducting proceedings in a juvenile case the Court shall, having regard to s 20(2) (*exercise of jurisdiction by National Court*) of the *Juvenile Justice Act*, sit and conduct proceedings in accordance with that Act, in particular by adhering to the practices, procedures and principles set out in Part VI (*proceedings by Juvenile Courts*) of that Act, with due regard to the juvenile's procedural rights in compliance with s 66(1) of that Act.

# Order 4

## FRAUD AND CORRUPTION CASES

### Division 1—Fraud and corruption cases—general rules

#### 1 Definitions

In this Order, unless the contrary intention appears:

“FC” means Fraud and Corruption related cases;

“Judge Administrator (FC)” means the Judge appointed by the Chief Justice to manage the Criminal (FC) track in Waigani;

“listing process” means the process set out in these Rules and in particular mentions, directions hearing, status conferences and trials.

#### 2 Types of cases to be dealt with as FC cases

The types of cases which may be dealt with as an FC case include the following:

- (a) offences under the Code or under any other law involving theft, fraud, dishonesty or misappropriation of property, including fraud and corruption; and
- (b) offences listed in Schedule 2; and
- (c) certain applications under the *Proceeds of Crime Act 2005* or the *Mutual Assistance in Criminal Matters Act 2005*.

#### 3 Judge Administrator (FC)’s responsibilities

- (1) The Chief Justice may appoint a Judge Administrator (FC) to manage the FC List in Waigani and assign a Judge or Judges from time to time to conduct matters on the FC List in Waigani.
- (2) FC cases that are commenced in a registry other than Waigani shall be managed by the Judge Administrator for that registry and shall be dealt with in accordance with the practice and procedure of the Court prescribed by these Rules.

#### 4 Registrar’s responsibilities

- (1) The Registrar shall assign a senior clerk and such other clerks to maintain the FC List in the Waigani registry and to perform duties of the Registrar given under these Rules, in accordance with the directions of the Judge Administrator.

## **Order 4, Rule 5**

- (2) Files for FC cases that are commenced in a registry other than Waigani shall be maintained by a clerk appointed by the Registrar who shall perform duties under instructions of the Assistant Registrar responsible for that registry, in accordance with the Judge Administrator responsible for that registry.

### **Division 2—Pre-trial procedures for fraud and corruption cases**

#### **5 Changes to FC List**

Acting on application or on the own motion of the Court, the Judge Administrator (FC) may add or remove a matter from the FC List.

#### **6 Call-over of cases on FC List**

A Judge may conduct a call-over of cases appearing in the FC List at a time determined by the Judge.

#### **7 Mentions**

- (1) Upon the opening of a court file, the Registrar shall list the matter before a Judge for mention.
- (2) There shall be a first mention of the matter before a Judge, on the first available day after committal or on such days as are fixed by the Registrar or a Judge.
- (3) The accused shall appear at the first mention of the matter.
- (4) At the mention, the Judge may do any or all of the following:
  - (a) consider legal representation for the accused;
  - (b) review bail or remand status;
  - (c) confirm receipt of the notice of committal and District Court depositions on the matter;
  - (d) fix a date for a directions hearing.

#### **8 Directions hearing**

- (1) A directions hearing shall be held within 21 days after the mention date.
- (2) The directions hearing shall be attended by the accused and prosecution and defence counsel who are sufficiently prepared to assist the Judge in addressing the matters mentioned in this rule.
- (3) At the directions hearing, the Judge may consider and issue directions with regard to any or all of the following matters:
  - (a) availability of District Court depositions;
  - (b) availability of witnesses for the parties;
  - (c) protecting and preserving witnesses and witnesses' testimony or material evidence;
  - (d) early indication of the possible charge;
  - (e) early indication of plea;
  - (f) the plea at trial;
  - (g) prosecution witnesses required at trial as shown on the committal documents and any notices of further evidence then delivered and of the availability of such witnesses;
  - (h) any additional witnesses who may be called by the prosecution and the evidence that they are expected to give, and if the statements of these witnesses are not then available for service, a summary of the evidence that they are expected to give shall be supplied in writing;
  - (i) facts which can be and are admitted pursuant to s 589 of the Code and which can be reduced to writing at the trial and of the witnesses whose attendance will not then be necessary;

- (j) the probable length of the trial;
- (k) exhibits which are to be provided and whether they are to be admitted by consent;
- (l) issues, then envisaged, as to the mental or medical condition of any accused person or witness;
- (m) any point of law which may arise on trial, any question as to the admissibility of evidence which then appears on the face of the papers and of any authority on which either party intends to rely as far as can be possibly envisaged at that stage;
- (n) the names and addresses of witnesses from whom statements have been taken by the prosecution but who are not going to be called and, in appropriate cases, disclosure of the content of those statements;
- (o) any alibi not disclosed pursuant to these Rules;
- (p) the order and pagination of the papers to be used by the prosecution at the trial and of the order in which the witnesses for the prosecution will be called;
- (q) the likely assistance through a request for a probation report;
- (r) counsel representing the accused and the State at the trial;
- (s) issue of witness summonses;
- (t) any other significant matter which might affect the proper and convenient trial of the case;
- (u) fix the date, time and venue of trial to take place within 4 months from the committal;
- (v) fix a date for a status conference to take place prior to trial;
- (w) issue of a notice of trial.

## **9 Application for directions**

- (1) An accused or the State may apply for directions in relation to any matter to be considered by a Judge set out in this Order.
- (2) The applicant shall give the other party three days' notice of the application.

## **Division 3—Special Provisions in Relation to Proceedings under the Proceeds of Crime Act and the Mutual Assistance in Criminal Matters Act**

### **10 Application of division**

This division applies to applications under the *Proceeds of Crime Act 2005* (“*POCA*”) and the *Mutual Assistance in Criminal Matters Act 2005* (“*MLMA*”) including:

- (a) an application under s 18 of the *POCA* against a cash dealer or its officers or employees;
- (b) an order under s 32 or s 33 of the *POCA* in relation to the detention or release of seized currency;
- (c) an application for a restraining order against property or the variation of such an order or the release of property from such an order or the revocation of the order under the *POCA*;
- (d) an application for a forfeiture order, supporting orders or variations and amendments, the discharge of such orders and the protection of third-party interests under the *POCA*;
- (e) an application for a pecuniary penalty order, variation or enforcement of such orders under the *POCA*;
- (f) an application for the return or retention of seized property under the *POCA*;
- (g) an application for restraining orders in respect of offences committed in foreign parts under the *POCA*;
- (h) an application for orders for the control and custody of property under a registered foreign restraining or forfeiture order under the *POCA*;
- (i) an application under s 14 of the *MLMA* to take evidence or under s 15 of the *MLMA* for the production of a document for a foreign jurisdiction;

## **Order 4, Rule 11**

- (j) an application under s 41 of the *MLMA* for the registration of foreign orders or under s 46 of the *MLMA* for the cancellation of registration;
- (k) an application under s 50 of the *MLMA* for a certificate that the taking of evidence in a foreign jurisdiction would be desirable in the interests of justice in proceedings in Papua New Guinea;
- (l) any other application under the *POCA* or *MLMA* Act;
- (m) similar applications under any other relevant Act.

### **11 Court to determine application**

The Court shall determine an application at a hearing which may be in private if a Judge finds it necessary or expedient in accordance with s 37(13) of the *Constitution* and may be conducted in or without the presence of the applicant.

### **12 Respondent or affected person to be present**

The Court shall not determine an application in the absence of the respondent or any person affected, unless:

- (a) the absentee has had at least two business days in which to make representations; or
- (b) the Court is satisfied that:
  - (i) the applicant cannot identify or contact the absentee; or
  - (ii) it may prejudice the investigation if the absentee were present; or
  - (iii) it may prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend; or
- (c) the Act under which the application is made specifically allows an ex parte application; or
- (d) the law under which the application is made authorises the applicant to request the Court to proceed ex parte.

### **13 Notice of appearance**

A person seeking to be heard on an application shall file and serve a notice of appearance.

### **14 Preservation of secrecy**

The Court may direct that a written application be kept in such manner as will preserve secrecy.

### **15 How to commence proceedings**

- (1) Proceedings shall be commenced by way of originating summons, unless the application is made orally, and given the file reference OS (CR) in accordance with Order 1 rule 11.
- (2) Every application shall state the section of the *POCA* or *MLMA* on which the applicant relies.
- (3) Interlocutory applications in a proceeding shall be made by notice of motion.

### **16 Oral application**

- (1) If the Public Prosecutor intends to make an oral application under a right to do so under the provisions of the *POCA*, an appointment shall be made with the associate to the Judge as soon as practicable before the application is to be made.

- (2) Documents are not required to be filed in the Registry before the making of an oral application.
- (3) As soon as is practicable after making the oral application, unless the Judge orders otherwise, an originating summons and supporting affidavits and the order made, reflecting the application made orally, shall be filed in the Registry.

### **17 National Court Rules apply to certain applications**

- (1) The provisions of the *National Court Rules* apply to all interlocutory directions and applications to the extent that they do not conflict with the provisions of the *POCA*, the *MLMA* or these Rules.
- (2) An applicant for an order, other than application made orally or ex parte, shall, unless the leave of the Court is granted to proceed otherwise, provide a draft of the order to the respondent parties at least 48 hours before the hearing date of the application, and invite the respondent parties to consent to the order or to indicate what changes to the draft order would be required to obtain their consent.
- (3) On the hearing of an application for an order, other than an application made orally, the applicant shall provide to the Court a draft of the order sought.
- (4) An application, other than an oral application, whether original or interlocutory shall be placed in the FC list.

### **18 Consent orders**

- (1) If the parties to an application reach a consensus they should, at least 24 hours before the hearing time, deliver to the associate to the Judge minutes of the proposed consent order signed by all of the parties.
- (2) Attendance by the parties at Court on the return date of the application is not required, unless the Judge directs otherwise.
- (3) The associate to the Judge shall deliver the minutes of the consent order, endorsed by the Judge, to the Registry, unless otherwise ordered by the Judge.
- (4) The applicant shall deliver sufficient copies of the order to the Registry for sealing.

### **19 Forms**

For the purposes of this Division, the forms contained in the *National Court Rules* relating to listings, notice of directions hearings, status conferences, referral of matters for urgent applications, notices of trial and notices of summary determinations shall be adopted and applied with appropriate modifications.

# *Order 5*

## WARRANTS OF ARREST

### Division 1—Issuance of warrants of arrest

#### **1 Circumstances in which bench warrant may be issued**

- (1) A warrant for the arrest of an accused person, referred to as a “bench warrant”, may be issued by the Court, on application by the State or of its own motion, in any of the following circumstances:
  - (a) where the accused has been committed by the District Court for trial in the National Court but has not appeared before the National Court in accordance with the terms of the committal to the National Court; or
  - (b) where the accused, who was on bail, has not appeared before the Court for their trial or on any other occasion they were required by the conditions of their bail to appear before the Court or has apparently not complied with any other condition of their bail; or
  - (c) where the accused, who was in lawful custody pending completion of their trial, is believed on reasonable grounds to have escaped from lawful custody; or
  - (d) in any other circumstances in which it would be lawful under the *Arrest Act*, Chapter No 339 for a bench warrant to be issued.
- (2) Where a bench warrant is issued under rule 1(1)(b), the Court shall consider the consequences regarding the accused’s bail, including revocation and forfeiture of bail, and whether to summon guarantors and enforce any sureties included in the bail conditions.

#### **2 Application for bench warrant**

- (1) An application for a bench warrant may be made orally, with or without a supporting affidavit, or by notice of motion, supported by affidavit, in accordance with directions of the Court.
- (2) The Court shall hear and determine an application made under this rule with due dispatch.

#### **3 Form of bench warrant**

A bench warrant shall be issued in Form 22 and state the details prescribed therein, unless the Court directs that some other form or some other details be used or stated.

**Division 2—Revocation of warrants of arrest**

**4 Revocation of bench warrant**

- (1) An accused subject to a bench warrant may at any time apply, demonstrating good reasons, for an order revoking the warrant, provided that the Public Prosecutor is given reasonable notice of the application.
- (2) An application for revocation of a bench warrant may be made orally, with or without a supporting affidavit.
- (3) A written application for revocation of a bench warrant may, if directed by the Court, be made by notice of motion, supported by affidavit, in which case it shall be filed and served on the local office of the Public Prosecutor within a reasonable time before making the application.
- (4) An order revoking a bench warrant may be made in Form 23.

# *Order 6*

## PRE-TRIAL PROCEDURE

### **Division 1—Pre-trial reviews**

#### **1 Preliminary hearings**

In cases where the accused has indicated a plea of not guilty will be entered, the Court will conduct a preliminary hearing called a “pre-trial review”.

#### **2 Accused may be present**

Judges and officers of the Court should adopt the following practices when conducting pre-trial reviews:

- (a) if the accused is legally represented, it is desirable but not necessary for the accused to be present in person;
- (b) if the accused is self-represented, it is necessary that the accused be present in person unless the accused fails to appear without reasonable excuse.

#### **3 Obligation of prosecuting counsel**

The prosecuting counsel shall file and serve on the defence counsel at least seven days before the date of the pre-trial review, a prosecution pre-trial review statement in Form 24, by which counsel shall inform the Court and the defence of:

- (a) the likely charge(s) on which the accused is to be indicted, and in that regard the Public Prosecutor shall attach a draft indictment, unless for special reason it is considered by the Public Prosecutor inappropriate to do so in a particular case, without any enforceable obligation that the State will proceed as per the draft indictment, to the Court;
- (b) the prosecution witnesses required at trial as shown on the committal documents and any notices of further evidence then delivered and of the availability of such witnesses; and
- (c) facts which can be and are admitted pursuant to s 589 of the Code and which can be reduced to writing at the trial and of the witnesses whose attendance will not then be necessary; and
- (d) any additional witnesses who may be called by the prosecution and the evidence that they are expected to give and, if the statements of these witnesses are not then available for service, a summary of the evidence that they are expected to give shall be supplied in writing; and
- (e) the likely length of the State’s case; and
- (f) exhibits which are to be tendered, including those that are appropriate to be tendered by consent; and
- (g) issues as to the mental or medical condition of the accused or a witness; and

- (h) points of law that may arise on trial, including any question as to the admissibility of evidence which then appears on the face of the papers or any case on which either party intends to rely as far as can be possibly envisaged at that stage; and
- (i) the names of witnesses from whom statements have been taken by the prosecution but who are not going to be called and, in appropriate cases, disclosure of the content of those statements; and
- (j) the order in which the witnesses for the prosecution will be called; and
- (k) whether it is necessary for the Court to issue any summons requiring attendance of witnesses;
- (l) of any other significant matter which might affect the proper and convenient trial of the case.

#### **4 Obligation of defence counsel**

The defence counsel shall at least three days before the date of the pre-trial review, file and serve on prosecuting counsel a defence pre-trial review statement in Form 25, by which counsel shall inform the Court and the prosecution of, amongst other things:

- (a) the likely defences to the charge, being as specific as is practicable in terms of any excusatory defences under the *Criminal Code* that are likely to be relied on at the trial;
- (b) any alibi that the accused proposes to rely on at the trial, in which case the Judge shall give directions for filing and service of a notice of alibi in Form 26; and
- (c) whether it is likely that the accused will give evidence;
- (d) the number and description of defence witnesses;
- (e) whether it is likely that admissions would be made pursuant to s 589 (*admissions*) of the Code.

#### **5 Further applications**

At a pre-trial review, an application may be made orally by any party for an order relating to any or all of the following—

- (a) the severance of any count or accused on the draft indictment;
- (b) amendment or provision of further and better particulars of any count on the draft indictment;
- (c) the time for compliance with any orders of the Court;
- (d) any other order considered necessary or appropriate to secure the proper and efficient trial of the accused.

#### **6 Conclusion of pre-trial review**

After the conclusion of the pre-trial review, it is not necessary for a pre-trial review summary to be prepared, but if the Judge determines that for special reason a pre-trial review summary be prepared, the Judge may direct that such a summary be prepared in Form 27.

### **Division 2—Applications to be brought to trial**

#### **7 Section 552 applications**

An application under s 552 of the Code to be brought to trial may be made orally or in Form 28.

## **Order 6, Rule 8**

### **8 Acceptance of application**

If the Court accepts the application, the Court shall make an order, in Form 29, to clarify the status of the proceedings and the rights and obligations of the accused and the State.

### **9 Orders under s 552(3)**

- (1) If the circumstances set out in s 552(3) of the Code appear to apply and the accused indicates an intention to make a bail application, the Court may hear an oral bail application or may direct that an application for bail be made in writing in accordance with the *Bail Rules*.
- (2) After hearing an application for bail under s 552(3) of the Code, the Court shall determine the application and may make an appropriate order in Form 30.
- (3) If bail is granted under s 552(3) of the Code, a bail file shall be opened in accordance with the *Bail Rules* and the granting of bail shall be recorded and administered in accordance with the *Bail Rules*.

### **10 Orders under s 552(4)**

If the circumstances set out in s 552(4) of the Code appear to apply, the Court shall, after hearing the parties, make an appropriate order in Form 31.

# Order 7

## WITHDRAWAL OF PROCEEDINGS

### Division 1 – General principles regarding withdrawal

#### 1 Definition

In this Order, “withdrawal of charges” refers to any process by which the State indicates its intention not to proceed with a charge after an accused has been committed for trial or been served with an indictment under s 526 of the Code, and includes cases in which the State declines to lay a charge under s 525 of the Code or files a *nolle prosequi* under s 527 of the Code or indicates an intention to not offer any evidence in support of a charge.

### Division 2—Declining to lay a charge

#### 2 Declaration under s 525 that the State declines to lay charge

If the Public Prosecutor or a State Prosecutor declines to lay a charge under s 525(1)(b) of the Code, a declaration to that effect in Form 32 shall be filed.

#### 3 Order of Court after filing of declaration

After a declaration under rule 2 is made, the Court shall make an appropriate order in terms of Form 33 to give effect to the requirements of s 525(3) and (4) of the Code and close the file.

### Division 3—Nolle prosequi

#### 4 Informing Court under s 527 that an indictment will not be proceeded with

- (1) A document under the hand of the Public Prosecutor or a State Prosecutor that informs the Court pursuant to s 527 of the Code that an indictment then pending in the Court will not be further proceeded with shall be called a “*nolle prosequi*”.
- (2) A *nolle prosequi* shall be filed in the proceedings or presented to the Court in Form 34, after presentation of the indictment to which it relates.
- (3) In the case of a *nolle prosequi* under the hand of a State Prosecutor, the Judge dealing with the matter may inquire whether the Public Prosecutor is aware of the *nolle prosequi* and if considered appropriate require the State Prosecutor to provide evidence of the Public Prosecutor’s concurrence with the proposed course of action.

## **Order 7, Rule 5**

### **5 Order of Court after being informed that indictment will not be proceeded with**

After filing or presentation of a *nolle prosequi*, the Court shall make an appropriate order in terms of Form 35 to give effect to the requirements of s 527(2) of the Code and to close the file.

## **Division 4—Offering no evidence**

### **6 Indication of intention to offer no evidence**

If it is the intention of the State to offer no evidence in a matter set down for trial, the prosecutor with carriage of the matter shall convey that intention to the accused or their lawyer and to the Court as soon as practicable after the State has decided that that is how the matter will be proceeded with.

### **7 Procedures where State intends to offer no evidence**

- (1) Where the State has conveyed its intention to offer no evidence in a matter that is being set down for trial, the matter shall be set down for trial and an indictment shall be presented and the accused shall be arraigned and in the event that the accused enters a not guilty plea, the prosecutor shall formally notify the Court that no evidence is offered, giving brief reasons for the State taking that approach, and in that regard an oral notification and oral reasons are sufficient, unless the Judge directs otherwise.
- (2) The Court shall then indicate whether the approach of the State is acceptable.
- (3) If the Court considers that the approach of the State is not acceptable, the Court shall make such orders as are considered necessary or appropriate, in the interests of justice, to progress the matter.
- (4) If the Court considers that the approach of the State is acceptable, it shall ask the defence counsel for their response and in the event that a no-case submission is made, the Court shall hear and determine that submission forthwith and make such orders as are necessary or appropriate, including entering a verdict of not guilty.

# Order 8

# EVIDENCE

## Division 1—Admissions

### 1 Making of admission

- (1) An admission under s 589 of the Code may be made before or at the trial by the filing or presenting to the Court an admission in Form 36, which shall be signed by the accused or the lawyer for the accused.
- (2) With the leave of the Court, an admission under s 589 of the Code may be made orally at the trial.
- (3) Subject to sub-rule (4), an admission made in accordance with this rule shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to the same matter including an appeal or retrial.
- (4) An admission made in accordance with this rule may with leave of the Court be withdrawn at the trial at which it is made or in any subsequent criminal proceedings relating to the same matter.

## Division 2—Alibis

### 2 Definitions

In this Division:

“evidence of an alibi” means evidence tending to show that by reason of the presence of the accused person at a particular place or in a particular area at a particular time he or she was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission;

“the prescribed period” means the period of 14 days prior to the date of trial.

### 3 Notice of alibi

- (1) An accused shall not upon his or her trial, without the leave of the Court, adduce evidence of an alibi unless, before the expiration of the prescribed period, the accused files and serves on the prosecutor a notice of alibi in Form 26, signed by the accused or their lawyer.
- (2) Subject to sub-rule (3), a notice referred to in sub-rule (1) shall contain the name and address of any other person (“other person”) whom the accused claims can support the alibi.
- (3) If the name or address of the other person is not known to the accused when the notice of alibi is given, the accused shall give in the notice all information in their possession that may be of material assistance in locating the other person.

## **Order 8, Rule 4**

### **Division 3—Notice of objection to proposed evidence**

#### **4 Circumstances in which notice of objection shall be filed**

If, at a pre-trial review or otherwise, the State has indicated its intention to rely on certain evidence and the accused proposes to object to such evidence, the accused shall, at least 14 days before the date of the trial, file and serve a notice of objection to such evidence, in Form 37, stating the grounds on which objection will be taken.

#### **5 Consequences of failure to give notice of objection**

If the accused fails to file and serve a notice of objection to evidence or to give proper notice of objection, any objection to such evidence shall be heard only with the leave of the Court where it is in the interests of justice to do so.

### **Division 4—Voir dire**

#### **6 Order as to voir dire**

- (1) If objection is taken, by filing a notice of objection under Division 8.3 or otherwise, to the admission of any particular contentious evidence, the Judge shall decide whether it is in the interests of justice to conduct a separate hearing within the trial, known as a voir dire, to determine whether any such contentious evidence shall be admitted into evidence.
- (2) If the Judge decides that a voir dire shall be conducted, an order to that effect shall be made orally and/or in Form 38, and shall include directions as to the order and manner in which evidence shall be given and submissions made.
- (3) If an order under this rule is made orally, the associate shall make an appropriate endorsement on the file.

### **Division 5—Court may call witness**

#### **7 Summons for witness**

- (1) The Court may at any time before or during a trial issue a summons, in Form 39 commanding any person whom the Court shall name to attend and give evidence as a witness at the trial and/or to produce such documents or other things in the possession or control of that person that might be necessary or desirable evidence at the trial.
- (2) The expenses of a person required to comply with a summons under sub-rule 1 shall, if so ordered by the Judge, be paid by the person named in the order as being responsible for payment of the recipient's expenses, which might be in an appropriate case, the Registrar who shall pay such expenses from funds made available for that purpose.

**Division 6—Limiting access by the public to or publicity of proceedings**

**8 Order limiting access by public to or publicity of proceedings**

- (1) The Court may order that access by the public to the proceedings or that publicity of the proceedings, including in the mass media and on social media, be prohibited or limited, pursuant to any specific law, including the *Evidence Act* or the *Juvenile Justice Act*, that provides for or requires such prohibitions or limitations to apply.
- (2) The Court may order that access by the public to the proceedings or that publicity of the proceedings, including in the mass media and on social media, be prohibited or limited, pursuant to the inherent power of the Court to control its own proceedings and having regard to ss 37(12) and 37(13) of the *Constitution* and the general principle that court proceedings be held in public, and accordingly shall only make such orders when it is considered necessary or expedient after taking account of all relevant considerations including whether such an order would:
  - (a) be agreed to by the parties to the proceedings;
  - (b) be in the interests of national security;
  - (c) be in the interests of justice;
  - (d) advance the welfare of persons under voting age;
  - (e) protect the private lives of persons concerned in the proceedings; and
  - (f) be in the interests of defence, public safety or public order.
- (3) An order under this rule may be made orally or in writing.
- (4) An oral order under this rule shall be endorsed on the court file by the Judge's associate within 24 hours after the making of the order.
- (5) A written order under this rule may be made in Form 40.
- (6) In any case where a written order is made under this rule, the Judge may order that it be directed at specific persons or organisations and where an order is made in those terms, the Registrar shall immediately notify the persons or organisations to whom it is directed that such an order has been made and the terms of the order.

**Division 7 — Orders under Evidence Act, Division III.3**

**9 Purpose of division**

- (1) The purpose of this division is to facilitate the making and recording of orders under Division III.3 (*special measures for vulnerable and intimidated witnesses*) of the *Evidence Act*, Chapter 48.
- (2) All orders referred to in sub-rule (1) may be made, subject to the *Evidence Act* and any other Act of the Parliament or any Constitutional Law, orally or in writing, and where an order is made in writing it may be made in terms of the forms referred to in this division.
- (3) Irrespective of whether an order referred to in sub-rule (1) is made orally and/or in writing, it is the responsibility of the Judge's associate to, within 24 hours after the making of the order, record the order by making an appropriate endorsement on the court file.
- (4) An application for any order under this Division may be made orally unless the *Evidence Act* or a provision of these Rules specifically requires an application to be in writing or a Judge directs in a particular case that the application be made by notice of motion or otherwise in writing.

## **Order 8, Rule 10**

### **10 Special measures orders under Evidence Act, s 37B**

- (1) A special measures order under s 37B(2) of the *Evidence Act* shall specify:
  - (a) which of one or more of the special measures prescribed under that provision shall be used for the giving of evidence; and
  - (b) the witness in respect of whose evidence the special measures shall apply.
- (2) A special measures order under s 37B(2) of the *Evidence Act*, may be made in Form 41.

### **11 Video-taped evidence under Evidence Act, s 37C**

An order under s 37C(1) of the *Evidence Act* permitting a video-recording of an interview of a witness to be admitted as the evidence-in-chief of the witness, may be made in Form 42.

### **12 Giving evidence at pre-trial hearing under Evidence Act, s 37D**

An order under s 37D(1) of the *Evidence Act* permitting a child's evidence to be taken at a pre-trial hearing, may be made in Form 43.

### **13 Orders under Evidence Act, s 37E, where accused is self-represented**

An order under s 37E(3)(c) or (d) of the *Evidence Act* providing for cross-examination of a complainant in cases where the accused is self-represented, may be made in Form 44.

### **14 Order under Evidence Act, s 37H, granting leave to cross-examine complainant or admit evidence as to sexual activities**

- (1) An application under s 37H(5) of the *Evidence Act* for leave to cross-examine a complainant or admit evidence as to their sexual activities shall be made in Form 45.
- (2) An order under s 37H(7) of the *Evidence Act* granting leave to cross-examine a complainant or admit evidence as to their sexual activities may be made in Form 46.

### **15 Order under Evidence Act, s 37I, requiring disclosure of address etc of witness**

An order under s 37I(1)(b) of the *Evidence Act* requiring a witness to disclose their address, telephone number or place of employment, may be made in Form 47.

## **Division 8—Certificates as evidence**

### **16 Certificate on trials for perjury etc**

A certificate of an officer of a court regarding the proceedings of that court, which is proposed to be presented as evidence for the purposes of s 580 of the Code, shall be in Form 48.

### **17 Certificate of previous conviction**

A certificate of an officer of a court regarding the proceedings of that court in which a person has a previous conviction, which is proposed to be presented as evidence for the purposes of s 581 of the Code, shall be in Form 48.

## Division 9—View of places or things

### 18 Procedures for a view

If the Court in the exercise of discretion under s 574 of the Code proposes to undertake a view of any place or thing, all or any part of the following procedures may be invoked:

- (a) the view should be undertaken after the close of the evidence for the prosecution and the accused;
- (b) ground-rules should be given in Court prior to undertaking the view, and may include a direction that the purpose of the view is to enlighten the Court on evidence that has already been given and that the purpose is not to provide for new evidence to be given in the course of the view or that certain persons including the general public or the media shall be excluded from the view;
- (c) the view should be undertaken in the presence of the accused unless the accused elects for their own reasons not to be present during the view;
- (d) no view shall be undertaken in the absence of the prosecutor or the accused or their lawyer;
- (e) as soon as practicable after the conduct of the view, the parties shall return to the courtroom and the prosecutor shall be invited to summarise what transpired at the view, including summarising any quantifiable aspects of the view such as distances and weights, and the defence shall be invited to respond to the summary and point to anything in the summary that needs to be added to or amended;
- (f) the Court will adopt or amend the summary and may if it is considered necessary in the interests of justice and after inviting submissions from counsel, decide to reopen the evidence for the purpose of clarifying any aspect of things observed at the view.

## Division 10—Exhibit lists

### 19 Responsibility for exhibit list

- (1) Subject to any contrary directions of the Judge, the exhibit list for a case will be prepared and maintained by the Judge's associate.
- (2) The person fixed with responsibility for preparation of an exhibit list shall, subject to any contrary directions of the Judge, update the list at the end of each day of the trial and make the updated exhibit list available to the Judge and all counsel and to the court reporter before the start of the next day of the trial.

### 20 Contents of exhibit list and MFI list

- (1) The contents of this rule are suggestions only and may or may not be applied in any case and are non-justiciable.
- (2) An exhibit list should be a concise summary of documents and things admitted into evidence and should be maintained separately from a list of other documents and things that are referred to in the evidence but not admitted into evidence, which shall be referred to as the MFI (marked for identification) list.
- (3) An exhibit list may be in Form 49 and an MFI list may be in Form 50.
- (4) Documents and things tendered by the prosecution and admitted into evidence may be marked with the prefix P and numbered consecutively: P1, P2, P3 etc.

## **Order 8, Rule 21**

- (5) Documents and things tendered by the defence and admitted into evidence may be marked with the prefix D and numbered consecutively: D1, D2, D3 etc.
- (6) Documents and things that are tendered or referred to in evidence without being admitted into evidence may be marked with the prefix MFI and numbered consecutively: MFI 1, MFI 2, MFI 3 etc.
- (7) An exhibit list and an MFI list should be drafted as concisely as possible for the purpose of identifying the document or thing that has been admitted into evidence or marked for identification and should not contain commentary or opinion on the purported significance of the document or thing or point out any alleged defect or strength of the evidentiary value of the document or thing or comment or opine on any other thing in relation to the exhibit.

### **Division 11—Dealing with exhibits**

#### **21 Dealing with exhibits during trial**

At all times during a trial, exhibits and documents or things marked for identification remain under the custody and control of the Judge and shall be dealt with in accordance with the directions of the Judge.

#### **22 Dealing with exhibits after trial**

At the end of the trial, all exhibits and all documents or things marked for identification shall pass into the custody and control of the Registrar who shall ensure that all documents and things are securely stored, bearing in mind the possibility of them being required in any appeal against or review of the Court's decisions on verdict and/or sentence.

#### **23 Order that exhibit not be returned to owner**

An order that an exhibit not be returned to its owner and be forfeited, destroyed or otherwise dealt with pursuant to s 628 of the Code, may be made in Form 51.

*Order 9*

MISCELLANEOUS  
OCCURRENCES  
DURING TRIAL

**Division 1—Unsoundness of mind, insanity of accused**

**1 Accused not of sound mind during trial**

If on the trial of a person charged with an indictable offence it is alleged or appears that the accused is, during the trial, not of sound mind, the court shall consider the matter, and may order expert psychiatric and/or psychological opinion in Form 52, and may make a finding and order, having regard to Part V (*patients from courts*) of the *Mental Health Act 2015*, pursuant to s 590(1) of the Code, in Form 53.

**2 Accused not of sound mind at time of offence**

If on the trial of a person charged with an indictable offence it is alleged or appears that the accused was, at the time when the act or omission alleged to constitute the offence occurred, not of sound mind, the court shall consider the matter and may make a finding and order, having regard to Part V (*patients from courts*) of the *Mental Health Act 2015*, pursuant to s 592(1) and (2) of the Code, in Form 54.

**3 Offender suffering from mental disorder after conviction**

Where an offender suffers from mental disorder after conviction is pronounced against him or her, immediately or at any time after that, the court shall consider the matter and may make a finding and order, having regard to Part V (*patients from courts*) of the *Mental Health Act 2015*, pursuant to s 590(3) of the Code, in Form 55.

**4 Insanity of accused**

Where it is given in evidence on the trial of a person charged with an offence that the accused was suffering from insanity as provided in s 28 of the Code at the time of committing the offence and the accused is acquitted, the court shall consider the matter and may make a finding and order, having regard to Part V (*patients from courts*) of the *Mental Health Act 2015*, pursuant to s 592(5) and (6) of the Code, in Form 56.

## **Order 9, Rule 5**

### **Division 2—Incapacity of trial judge**

#### **5 Incapacity during trial**

- (1) If in the course of a trial the presiding Judge becomes incapable of proceeding, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge, pursuant to s 576(1) of the Code, for an order that the trial be discontinued.
- (2) The Judge hearing an application under s 576(1) of the Code shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An order for discontinuance of a trial under s 576(1) of the Code may be made in Form 57.

#### **6 Consent to continuance of trial before another Judge**

- (1) If in the course of a trial the presiding Judge becomes incapable of proceeding, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge for the trial to be continued before another Judge.
- (2) The Judge hearing an application under sub-rule (1) shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An application under sub-rule (1) shall only be granted if all parties to the proceedings, including in the case of multiple accused, all of the accused, consent to continuance of the trial before another Judge.
- (4) The Judge hearing an application under sub-rule (1) shall determine the application expeditiously and if the application is granted request that the Court Reporting Manager prepare a transcript of the part-heard trial prior to the trial proceeding before the Judge appointed to continue the trial and if the application is declined, make an order to that effect.
- (5) An order under sub-rule (4) may be made in Form 58.

#### **7 Incapacity of Judge after conviction and before sentence**

- (1) If the presiding Judge becomes incapable of proceeding after convicting an accused but before passing sentence, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge, pursuant to s 576(3) of the Code, for an order that the sentence be passed by another Judge.
- (2) The Judge hearing an application under s 576(3) of the Code shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An order under s 576(3) of the Code may be made in Form 59.

### **Division 3—Custody of girls under 18**

#### **8 Order under s 621**

Where it is proved to the satisfaction of the Court, in the circumstances described in s 621 of the Code, that there has been seduction, prostitution or incest of a girl under the age of 18 years, an order under s 621 of the Code regarding custody of the girl and related matters, may be made in Form 60.

**Division 4—References and reservations to the Supreme Court**

**9 Reference under Constitution, section 18(2)**

If a Judge refers any question relating to the interpretation or application of any provision of a Constitutional Law to the Supreme Court under s 18(2) of the *Constitution*, the reference shall be made in accordance with Order 4 (*applications and references under the Constitution, sections 18 and 19*) of the *Supreme Court Rules 2012*.

**10 Reservation under Supreme Court Act, section 21**

If a Judge reserves any question of law that arises on a trial for the consideration of the Supreme Court under s 21(1) of the *Supreme Court Act*, the reservation shall be made in accordance with Order 8 (*reservation of cases or points of law*) of the *Supreme Court Rules 2012*.

**11 Reference under Supreme Court Act, section 26**

If the Principal Legal Adviser refers a point of law that arisen in a case for the opinion of the Supreme Court under s 26(1) of the *Supreme Court Act*, the reference shall be made in accordance with Order 9 (*reference under section 26 Supreme Court Act*) of the *Supreme Court Rules 2012*.

**12 Reservation under Criminal Code, sections 594, 595**

If the Court reserves any question of law for the consideration of the Supreme Court under s 594(3) or 595(1) of the Code, the reservation shall be made in accordance with Order 8 (*reservation of cases or points of law*) of the *Supreme Court Rules 2012* and Division 10.5 (*arrest of judgment on verdict*) of these Rules.

# *Order 10*

## VERDICTS

### **Division 1—Order as to verdict**

#### **1 Order as soon as practicable after verdict**

As soon as practicable after pronouncing the verdict of the Court, the Judge shall cause to be entered in the record of the Court an order in Form 61, which gives details of:

- (a) the charge(s) against the accused;
- (b) the plea of the accused;
- (c) the verdict in respect of each charge, expressed as either “guilty” or “not guilty”; and
- (d) in cases where the accused is found guilty of one or more charge:
  - (i) whether the Court requests any pre-sentence or other reports for purposes of sentencing the offender;
  - (ii) whether the offender will be remanded in custody;
  - (iii) whether bail pending sentence is granted; and
- (e) in cases where the accused is found not guilty of all charges:
  - (i) that the accused is, in accordance with s 591 of the Code, discharged from the charge;
  - (ii) whether the accused will be released from custody;
  - (iii) whether the accused will be discharged from their bail obligations; and
  - (iv) whether any cash bail or other surety will be refunded.

### **Division 2—Bail status of offender**

#### **2 Decision whether to grant bail**

In the case of a guilty verdict against an accused who has been on bail, the Judge shall, after hearing from counsel for the defence and counsel for the prosecution, decide whether to make an order under s 10 of the *Bail Act* and in accordance with the *Bail Rules 2021*, granting bail pending sentence.

### **Division 3 — Warrant of commitment on remand**

#### **3 Circumstances in which warrant is necessary**

- (1) In the case of a guilty verdict against an accused who had been on remand, the Judge shall check the terms of the existing warrant and decide whether it is necessary to issue a fresh warrant of commitment on remand, and if necessary issue a fresh warrant.

- (2) In the case of a guilty verdict against an accused who has been on bail, the Judge shall, if there is no application for bail pending sentence or an application for bail pending sentence is refused or it is otherwise necessary to remand the offender in custody, issue a warrant of commitment on remand, in Form 11.

#### **Division 4—Acquittal and discharge**

##### **4 Procedure in cases of not guilty verdict**

- (1) In the case of a not guilty verdict, provided that the order on verdict is compliant with rule 1, it is not necessary for a certificate of acquittal and discharge to be issued, unless a request is made in Form 62, in which case a certificate of acquittal and discharge shall be issued in Form 63.
- (2) If the accused is subject to a charge other than that which is the subject of the certificate of acquittal and discharge, the certificate shall reflect that fact by a statement in the terms prescribed in Form 63.

##### **5 Acquittal on account of unsoundness of mind or insanity**

If, after the trial of an accused charged with an indictable offence the accused is acquitted on account of unsoundness of mind or insanity, the Court shall make such findings and orders as are necessary in accordance with ss 590 and 592 of the Code and Order 9 of these Rules.

#### **Division 5 — Arrest of judgment on verdict**

##### **6 Application to arrest judgment**

- (1) An application under s 594(1) of the Code by a person convicted of an indictable offence to arrest the judgment on verdict on the ground that the indictment does not disclose an offence may be made, in the proceedings in which the conviction has been entered, subject to the directions of the Judge, orally or by notice of motion supported by affidavit.
- (2) After hearing an application under sub-rule (1) the Court may:
  - (a) allow an amendment of the indictment under s 594(2) of the Code, by making an order in Form 64; or
  - (b) determine the motion under s 594(3) of the Code, by making an order in Form 65; or
  - (c) reserve a question of law for the consideration of the Supreme Court under s 594(3) of the Code, by making an order in Form 65.

##### **7 Procedure in the event that judgment on verdict is arrested (s 595)**

- (1) If the court arrests its judgment on verdict, a State Prosecutor may, pursuant to s 595(1) of the Code, apply to the court to reserve a case for the consideration of the Supreme Court, and such application shall be made in the proceedings in which the judgment on verdict has been entered, by notice of motion, supported by affidavit.
- (2) After hearing an application referred to in sub-rule (1), the Court shall determine the application by making an order, in Form 65.

## **Order 10, Rule 8**

### **8 Procedure in the event that question of law or case is reserved for consideration of Supreme Court**

In the event that a question of law is reserved for the consideration of the Supreme Court under s 594(3) of the Code or a case is reserved for the consideration of the Supreme Court under s 595(1) of the Code, the National Court shall await determination of the reservation and comply with all directions on the matter that may be given by the Supreme Court.

## **Division 6 — Closure of file after acquittal**

### **9 File closure**

- (1) If the accused is found not guilty of all charges and there is no application to arrest the verdict or any other application, process or order to stay the proceedings, the court file shall, by order of the Court or by an administrative procedure instituted by the Registrar, be closed.
- (2) Once a court file is closed pursuant to sub-rule (1), it shall not be reopened except in special circumstances and by order of the Court.
- (3) Any application of any nature concerning a court file closed pursuant to sub-rule (1) shall be brought by commencing fresh proceedings by originating summons.

# *Order 11*

## SENTENCES

### **Division 1—Antecedents**

#### **1 Antecedents**

- (1) In the case of a guilty verdict, the prosecutor shall immediately after pronouncement of the verdict notify the Court, by reference to the antecedents report, whether the offender has any prior convictions, and if there are such convictions, the details of the convictions and the sentences that were passed.
- (2) The defence shall be given the opportunity to comment on or rebut the details of prior convictions.
- (3) In the event of a dispute or uncertainty about the existence or details of prior convictions, the Judge may hear and determine the issues forthwith or adjourn the hearing to a set date and time for the purpose of resolving such issues.

### **Division 2—Allocutus**

#### **2 Administering allocutus**

- (1) The procedure by which an offender is given the opportunity to address the Court on why sentence should not be passed on them pursuant to s 593 of the Code and any matters in mitigation of the sentence, known generally as the allocutus, should not be administered until a reasonable time has passed after the time of conviction.
- (2) The practice of administering the allocutus immediately after convicting an offender who has pleaded not guilty to a charge should be avoided unless this is done with the express consent of the offender and their lawyer.
- (3) If a pre-sentence or other report is requested under Division 11.3, the allocutus should generally be administered after filing and service of those reports on the offender, so that the offender has the opportunity to comment on them if considered necessary.
- (4) The allocutus should be administered after presentation of the antecedents report and before counsel make submissions.
- (5) The provisions of this rule are guidelines only and failure to adhere to them does not necessarily invalidate the sentence that is passed.

## Order 11, Rule 3

### Division 3—Pre-sentence & other reports

#### 3 Pre-sentence and other reports relevant to sentence

- (1) In the case of a guilty verdict the Judge shall, after hearing from counsel for the defence and counsel for the prosecution, decide whether to request the Chief Probation Officer to prepare a pre-sentence report under s 13 of the *Probation Act* 1991 and/or a means assessment report under s 4 of the *Criminal Law (Compensation) Act* 1991 for the purpose of ascertaining whether the offender has the capacity to make restitution and whether to request any person to assist in preparation of a victim impact statement under s 21A of the *Criminal Code*.
- (2) The Judge has complete discretion whether to request all or some or none of the reports and statements referred to in sub-rule (1) and may, for example, request that a pre-sentence report incorporates the type of information that would normally appear in a means assessment report or a victim impact statement, and may make any such request in Form 66, that form being compliant with Form 2 of the *Probation Regulation* 1991.
- (3) If a pre-sentence report is prepared as requested, it shall, subject to any directions of the Court, be in Form 67.
- (4) If a means assessment report is requested, it shall be prepared in accordance with directions of the Court or if there are no directions given in any form that is concise and relevant.
- (5) If a victim impact statement is requested, it shall be prepared in accordance with directions of the Court or if there are no directions given in any form that is concise and relevant.
- (6) Nothing in this rule precludes a victim from providing an impact statement to the Court on their own volition.

### Division 4—Pre-sentence period in custody

#### 4 Shared responsibility of counsel

The prosecutor and the defence counsel shall, at least three days before the sentencing hearing, unless leave of the Court is granted to dispense with that requirement, jointly sign and file Form 68, demonstrating their positions on the pre-sentence period in custody, if any, that has been served by the offender.

#### 5 Determination of pre-sentence period in custody

- (1) When passing sentence the Judge shall, after specifying the length of the head sentence and before specifying whether any or all of the sentence will be suspended, determine in years, months, weeks and days, as the case may be, the specific period, if any, that will in the exercise of discretion under the *Criminal Justice (Sentences) Act* 1986, be deducted from the head sentence.
- (2) It is not sufficient, in performance of the duty in sub-rule (1), to state that the pre-sentence period will be calculated later or that the period will be determined by the Correctional Service or any other person or authority.

## Division 5—Submissions on sentence

### 6 Manner of submissions

Submissions on sentence shall be made orally and/or in writing in accordance with directions of the Court.

### 7 Order of address

Subject to any contrary directions of the Judge, submissions on sentence shall be made in accordance with the following order of address, which shall apply, after administering of the allocutus, in all cases irrespective of whether the offender has pleaded guilty or not guilty:

- (a) the first submissions shall be made by the prosecution;
- (b) the next submissions shall be made by the defence;
- (c) the prosecution shall have a right of reply.

## Division 6—Taking outstanding charges into account

### 8 Offender may admit guilt regarding outstanding charges

An offender who has been convicted on indictment of an offence not punishable with death or imprisonment for life, who wishes to admit their guilt regarding outstanding charges other than those of which a conviction has been entered, so that such outstanding charges may, in accordance with s 603 of the Code, be taken into account in the passing of sentence, shall file and serve on the State Prosecutor responsible for the case, a document in Form 69, showing on the back of it a list of other indictable offences not punishable with death or imprisonment for life with which he has been charged (whether or not he has been committed for trial in respect of those other offences).

### 9 Procedure in cases where document is filed under s 603(1)(a)

- (1) Where a document is filed in accordance with rule 8, the State Prosecutor shall, before making submissions on sentence, bring the document to the attention of the sentencing Judge so that the Judge may consider the matter having regard to the requirements of s 603(1)(c) of the Code.
- (2) If the Judge thinks it fit to take all or any of the charges the subject of the document filed in accordance with rule 8 into account when passing sentence, the Judge shall certify on the document, in accordance with s 603(4) of the Code, which of those charges has been taken into account, and refer to that certified document in the order as to sentence.

## Division 7 — Orders as to sentence

### 10 Purpose of division

The purpose of this division is to promote consistency and clarity in the terms of orders as to sentence and to avoid confusion in interpretation and enforcement of sentences, without derogating from the discretion of the sentencing Judge to express a sentence because of the circumstances of a particular case, in ways other than in the prescribed forms.

## **Order 11, Rule 11**

### **11 Sentences of imprisonment**

- (1) If a sentence is passed that consists only of a term of imprisonment, with or without deduction of a pre-sentence period in custody and with or without suspension of part or all of the sentence, the order as to sentence may be in Form 70.
- (2) If the offender has been convicted of more than one offence in one proceeding, there shall be only one order as to sentence, which should show the sentence allocated to each offence and whether the sentences are to be served cumulatively or concurrently.

### **12 Sentences other than imprisonment**

If a sentence is passed other than as described in the last preceding rule, eg, a sentence that includes an ancillary order, such as an order for compensation under the *Criminal Law (Compensation) Act* or an order restricting movement of the offender under s 600 of the Code, the order as to sentence may be in Form 71.

### **13 Probation orders**

If all or part of a sentence is suspended, any conditions as to the suspended part of the sentence shall be prescribed in a probation order under s 16 of the *Probation Act 1991*, in Form 72, that form being compliant with Form 1 of the *Probation Regulation 1991*, and any conditions of probation should be stated in the order as to sentence.

### **14 Disqualification from driving**

If the Court orders, pursuant to s 330(2) of the Code, that an offender convicted of an offence in connexion with or arising out of the driving of a motor vehicle be disqualified from holding or obtaining a driver's licence to operate a motor vehicle, the order as to sentence may be in Form 73.

### **15 Conditional suspension of punishment on first conviction**

If the Court orders, pursuant to s 601(1)(b) or s 601(3)(b) of the Code, that the execution of all or part of a sentence should be suspended, the order as to sentence may be in Form 74.

### **16 Conviction without punishment**

If the Court orders, pursuant to s 602(1) of the Code, that an offender should be discharged without punishment, the order as to sentence may be in Form 75.

### **17 Habitual criminals**

If the Court declares, pursuant to s 606 of the Code, that an offender is a habitual criminal, the order as to sentence may be in Form 76.

### **18 Death penalty**

- (1) If the Court passes a sentence of death, the method of execution of the offender shall not be included in the order as to sentence (as this is a matter for the National Executive under s 614 of the Code), and the order as to sentence may be in Form 77.
- (2) An order under sub-rule (1) shall include a determination of the pre-sentence period in custody of the offender due to the importance of there being an official record of that period, so that it

might in a particular case be taken into account if a decision is to be made in accordance with law, not to execute the offender.

## **19 Order for restitution of property**

If the Court orders, pursuant to s 623A of the Code, restitution of property to its owner, the order as to sentence may be in Form 78.

### **Division 8 — Warrants of commitment**

## **20 Warrant in addition to order**

In any case in which a term of imprisonment is imposed, without the term of imprisonment being fully suspended and including cases in which a sentence of death is passed, a warrant of commitment to custody shall be issued in Form 79.

### **Division 9 — Post-sentence applications**

## **21 Need for separate proceedings**

If any of the parties to criminal proceedings that have been concluded or any person with a sufficient and genuine interest in those proceedings, proposes to make any application in relation to such proceedings, including for example, an application for revocation of a suspended sentence on grounds of breach of conditions of a probation order, the application shall be made in separate proceedings commenced by originating summons, which shall be given the file reference OS (CR).

## **22 Warrant of arrest may be issued**

- (1) A Judge may at any time an offender is under sentence, in or outside custody, where there is an allegation based on reasonable grounds that the offender has escaped from lawful custody or is in breach of any conditions to which their sentence is subject, issue a warrant for the arrest and detention of the offender, in Form 80, so that they may be brought before the National Court and dealt with according to law.
- (2) When a warrant of arrest is issued under sub-rule (1), a fresh file shall be opened either before or as soon as practicable after issuance of the warrant, using Form 80 as the originating process, and given a file reference CR (RC) file.

## **23 Order as to revocation of suspended sentence**

An order revoking an offender's suspended sentence or probation of any other arrangement by which an offender was permitted to serve their sentence outside custody, may be made in Form 81.

## **Order 11, Rule 24**

### **Division 10 — Closure of file after sentence**

#### **24 File closure**

- (1) Once the Court passes sentence including making all orders as to punishment and there is no application, process or order to stay the proceedings, the court file shall, by order of the Court or by an administrative procedure instituted by the Registrar, be closed.
- (2) Once a court file is closed pursuant to sub-rule (1), it shall not be reopened except in special circumstances and by order of the Court.
- (3) Any application of any nature concerning a court file closed pursuant to sub-rule (1) shall be brought by commencing fresh proceedings by originating summons in accordance with Division 11.9.

### **Division 11—New file for some sentences**

#### **25 Circumstances in which new file necessary**

- (1) In any case in which an offender is subject to a sentence that necessarily requires review of conditions to which any non-custodial part of the sentence is subject, eg, a suspended sentence that has a condition for regular review of compliance with conditions or a sentence involving restitution or payment of compensation to the victim within a set time, a fresh file shall be opened forthwith after the sentence is passed, using Form 82 as the originating process, and given a file reference CR (RC).
- (2) Any application in a matter referred to in sub-rule (1) may, subject to the directions of the Court, be made orally or by notice of motion.

*Order 12*

APPEALS AND REVIEWS  
FROM  
DISTRICT COURTS

**1 Appeal requirements**

Appeals against conviction and/or sentence from criminal proceedings in a District Court to the National Court, and any other appeal against any decision of any court or authority in connection with criminal proceedings (including an appeal under s 615(12) of the Code against cancellation of a licence to be at large) shall be made in accordance with Part XI (*appeals from decisions of District Courts*) of the *District Courts Act* and Division 18.1 (*appeals from District Court and other statutory tribunals*) of the *National Court Rules*.

**2 Review requirements**

An application for review by the National Court under s 155(3)(a) of the *Constitution* of a conviction and/or sentence in criminal proceedings in a District Court shall be made in accordance with Order 16 (*applications for judicial review*) of the *National Court Rules*.

# *Schedule 1*

## DRAFTING OF INDICTMENTS

In drafting an indictment or any other charging instrument, any offence(s) under the Code with which the accused is charged, shall as far as possible and unless directed otherwise by a Judge be set out in the manner described in this Schedule. Note that the sections referred to are those in the Code.

### **Section 7(2): Counselling (or procuring) commission of offence by another person**

Counselled [*or procured*] commission of the offence of (*describe offence*) by (*describe the person who actually committed the offence*), who, at (*place*) on the ... day of ... (*set out the statement of offence and if more than one, each count to be set out separately*).

### **Section 37: Treason**

- (e) Levied war against the Queen and Head of State—
  - (i) with intent to depose Her from the style, honour and royal name (*etc as in s 37*); or
  - (ii) in order by force [*or constraint*] to compel Her to change Her measures [*or counsels*] [*or in order to put force (or constraint)*] [*or to intimidate the Parliament*], the accused (*give particulars of overt act or acts alleged*); or
- (f) Conspired with (*name person*) to levy war against the Queen and Head of State with intent (*etc as in subparagraph (e)(i) and (ii) of the Code*); or
- (g) Instigated (*name person*) a foreigner to make an armed invasion of (*name dominion*) by (*give particulars of overt act or acts alleged*); or
- (h) The Queen and Head of State then being at war with (*name enemy*) assisted this enemy by (*give particulars of overt act or acts alleged*).

### **Section 38: Concealment of treason**

- (a) Became an accessory after the fact to treason, (*state treason*) in that he/she (*state how the accused became an accessory*); or
- (b) Knowing that a person intended to commit treason, (*state particulars*) did not (i) give information of it with all reasonable dispatch to a magistrate [*or (ii) use other reasonable endeavours to prevent commission of the crime*].

**Section 39: Overt manifestation of treasonable intent**

Formed an intention to—

- (a) depose the Queen and Head of State from the style, honour and royal name (*etc as in the section*) and manifested this intention by (*give particulars of overt act or acts alleged*); or
- (b) levy war against the Queen and Head of State in (*name dominion*) in order by force [*or constraint*] to compel Her to (*state particulars*) and manifested this intention (*give particulars of overt act or acts alleged*); or
- (c) instigate (*name foreigners*), being foreigners, to make an armed invasion of (*name dominion*) and manifested this intention by (*give particulars of overt act or acts alleged*).

**Section 41: Inciting to mutiny**

Advisedly attempted to—

- (a) seduce (*name person*) serving in (*Unit particulars*) of the Defence Force from his/her duty and allegiance; or
- (b) incite (*name person*) serving in (*Unit particulars*) of the Defence Force to commit an act of mutiny [*or a traitorous or mutinous act*]; or
- (c) incite (*name person*) serving in (*Unit particulars*) of the Defence Force to make [*or to endeavour to make*] a mutinous assembly.

**Section 42: Assisting escape of prisoner of war**

- (a) Knowingly and advisedly aided (*name person*) then being an alien enemy of the Queen and Head of State, and then a prisoner of war in Papua New Guinea, to escape from the prison [*or place*] where he/she was confined [*or then being at large on his/her parole to escape from Papua New Guinea*]; or
- (b) Being a person who then owed allegiance to the Queen and Head of State knowingly and advisedly aided in the escape of an alien enemy of the Queen and Head of State (*name person*) who was a prisoner of war in Papua New Guinea who has escaped by sea from any part of Her Majesty's dominions on the high seas within the territorial waters of Papua New Guinea.

**Section 47: Taking part in an oath to commit a capital offence**

- (a) Administered [*or was present at and consented to the administering*] to (*name person*) an oath (*or an engagement in the nature of an oath*) purporting to bind them to commit the crime of (*state*) punishable with death; or
- (b) Not being compelled so to do took an oath [*or an engagement in the nature of an oath*] purporting to bind them to commit the crime of (*state*) punishable with death; or
- (c) Attempted to induce (*name person*) to take an oath [*or (etc as in paragraph (a))*].

**Section 48: Administering an oath to commit a non-capital offence**

- (a) Administered [*or was present at and consented to the administering*] to (*name person*) an oath [*or engagement in the nature of an oath*] purporting to bind them to—
  - (i) engage in a mutinous [*or seditious*] enterprise; or
  - (ii) (*as in terms of the section giving particulars where necessary*)(*etc*); or

## Schedule 1, s 51

- (b) takes any such oath or engagement, not being compelled to do so; or
- (c) attempts to induce any person to take any such oath or engagement.

### Section 51: Raising an unauthorised force

- (1) Established [or organised or assisted (*name person*) to establish (*or organise*) or equipped or assisted (*name person*) to equip by (*particulars of means*) or took part in or associated with] a military force [or paramilitary force (*or etc as in the section*)] which was not provided for by law.
- (2) Planned [or prepared for or assisted in the planning of (*or preparation for*)] the raising of a military force [or para-military force (*or etc as in the section*)] which was not provided for by law.

### Section 52: Membership (or promotion) of a quasi-military organisation

- (1) Was a member [or adherent] of (*name association*) an association of persons which was organised [or trained or equipped]—
  - (a) for the purpose of enabling them to be employed in usurping all [or any or part of the functions of the Police Force] [or Defence Force]; or
  - (b) either—
    - (i) for the purpose of enabling them to be employed for the use [or display] of any physical force in promoting a political object in (*give particulars*); or
    - (ii) in such a manner to arouse reasonable apprehension that they are so organised [or trained or equipped] to enable them to be (*etc as in subparagraph (b)(i)*).
- (2) Promoted [or conspired with (*name person*) to promote or took part in organising (*or training or equipping*)] (*name association*) an association organised [or trained or equipped] for the purpose of (*as in paragraph (1)(a) or (b)*).
- (3) Took part in the control [or management] of (*name association*) an association of persons organised [or trained (*etc as in paragraph (1)(a) or (b)*)].

### Section 53: Taking part in unlawful military training (or drilling)

- (1) (a) Without the prior permission of the Prime Minister trained [or drilled] (*name person*) to the use of arms [or the practice of military (*or para-military or police force exercise or movements or revolutions*)]; or
- (b) Was present at a meeting [or assembly of persons] (*give particulars*) held without the prior permission of the Prime Minister, for the purpose of training [or drilling] these persons to (*etc as in paragraph (a)*).
- (2) At a meeting [or assembly] held without the prior permission of the Prime Minister—
  - (a) trained [or drilled or was trained (*or drilled*)] to (*etc as in paragraph (1)(a)*); or
  - (b) was present at such a meeting [or assembly] held for the purpose of training [or drilling or of being so trained (*or drilled*)].

### Section 54: Sedition

- (a) Conspired with (*name person*) to carry into execution an enterprise with the objective—
  - (i) to bring the Queen and Head of State into hatred [or contempt]; or
  - (ii) to excite disaffection against the Queen and Head of State [or the National Government or the *Constitution* as by law established] or (*etc as in s 44 of the Code*); or

- (b) Advisedly published the seditious words [*or writing*] as follows (*set out the seditious words or writing with such innuendoes as may be necessary to show any meaning attributed to it which is not apparent on its face*).

### **Section 55: Defamation of foreign prince**

Unlawfully published (*give particulars of writing or sign*) concerning (*name foreign prince or person*) the following defamatory matter (*set out the material in question with such innuendoes as may be necessary to show that it tends to expose the Prince or person defamed to hatred and contempt in the estimation of the people of the foreign state*).

### **Section 56: Interference with Head of State or Minister**

Advisedly did an act (*give particulars of act*) calculated to interfere with the free exercise by the Head of State (*or Governor-General*) or (*name person*), a member of the National Executive Council (*or a Minister of the Parliament*), with the free exercise of the duties [*or authority*] of his/her office.

### **Section 57: Interference with the legislature**

Advisedly by force [*or fraud*] interfered [*or attempted to interfere*] with the full exercise by the Parliament of its authority *or* advisedly by force [*or fraud*] interfered [*or attempted to interfere*] with the free exercise by (*name person*), a Member of the Parliament, of his/her duties as a Member [*or as a Member of the (name) Committee of the Parliament*].

### **Section 58: Disturbing the legislature**

- (a) Advisedly disturbed the Parliament whilst it was in session; *or*
- (b) Advisedly and in the immediate view and presence of the Parliament whilst it was in session committed disorderly conduct tending to interrupt its proceedings [*or to impair the respect due to its authority*].

### **Section 59: Giving false evidence before Parliament**

Being examined before the Parliament [*or the (name) Committee of the Parliament*] knowingly gave a false answer to a lawful and relevant question put to him in the course of the examinations. The particulars of which are as follows: (*State question and substance of false answer*).

### **Section 60: Refusing to attend or give evidence before the Parliament**

Being duly summoned to attend as a witness [*or to produce a book (or document) then in his/her possession*] before the Parliament [*or a Committee of the Parliament*] authorised to summon witnesses [*or to call for the production of the book (or document) refused (or neglected) without lawful excuse—*

- (a) to attend in accordance with the summons; *or*
- (b) [*to produce the book (or document) that is relevant and proper to be produced in accordance with the summons*].

## Schedule 1, s 61

### Section 61: Member of the Parliament receiving bribe

Being a Member of Parliament asked [*or received or obtained or agreed (or attempted) to receive or obtain from*] (*name person*) (*give particulars of property or benefit*) for themselves [*or for (name person)*] on an understanding that his/her vote [*or opinion or judgment or action*] in the Parliament [*or a Committee of the Parliament*]—

- (a) will be influenced by it; or
- (b) [be given in a particular manner or in favour of a particular side of a question *or* matter].

### Section 62: Bribery of Member of the Parliament

- (a) In order to—
  - (i) influence (*name person*), a Member of the Parliament, in his/her vote [*or opinion or judgment or action*] on a question *or* matter arising in the Parliament [*or in a Committee of the Parliament*]; or
  - (ii) induce (*name person*), a Member of the Parliament, to absent themselves from the Parliament [*or from a Committee of the Parliament*],  
  
gave to [*or conferred upon or procured for*] *or* promised (*or offered*) to give (*or confer upon*) *or* to procure for (*or attempt to procure for*) (*or on or for*) them [*or to (name person)*] (*give particulars of property or benefit*); or
- (b) Attempted by fraudulently representing to (*name person*), a Member of the Parliament, that (*state fraudulent representation*) to influence them (*etc as in subparagraph (a)(i) or (ii)*) *or* attempted by threats [*or intimidation*] to influence (*name person*) a Member of the Parliament (*etc as in subparagraph (a)(i) or (ii)*).

### Section 63A: Inciting unlawful arrest or riot using electronic system or device

Used an electronic system [*or device*] (*state particulars*) intentionally and without lawful excuse or justification [*or recklessly*], to incite a form of unlawful assembly [*or riot*].

### Section 64: Taking part in an unlawful assembly

When assembling [*or being assembled*] with two or more other persons conducted themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that (*the accused*) and the other persons so assembled would tumultuously disturb the peace [*or would needlessly and without proper occasion provoke a tumultuous breach of the peace*].

### Section 65: Taking part in a riot

When assembling [*or being assembled*] with two or more other persons conducted themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that (*the accused*) and the other persons so assembled would tumultuously disturb the peace [*or would needlessly and without proper occasion provoke a tumultuous breach of the peace*], and began to act in so tumultuous a manner as to disturb the peace.

### Section 66: Rioter remaining after order to disperse

When riotously assembled with more than four other persons and (*name person*) a commissioned officer of the Police Force went amongst those persons [*or went as near to those persons as they could safely go*] and gave—

- (a) [*or began to give*] a command for them to disperse as by law it was their duty to do, and (*the accused*) wilfully and knowingly and by force opposed [*or obstructed or hurt*] this officer in the performance of their duty and so prevented the command from being given; or
- (b) [*or caused to be given*] the following command:  
 “All persons here assembled are by law commanded to disperse and go peacefully about their lawful business, or they will be liable to be imprisoned with hard labour for a maximum of five years”,  
 and (*the accused*) continued together with [more than] four other persons and did not disperse within (*state practicable time in the circumstances*) after this command was given; or
- (c) [*or began to give*] a command for them to disperse as by law it was his/her duty to do and was prevented by force from giving this command, and (*the accused*) being a person [*or persons*] so assembled and to whom this command would or ought to have been given if it had not been prevented and knowing of such prevention continued together with [more than] four other persons.

### Section 67: Rioting and demolishing buildings etc

- (1) Being riotously assembled with [more than] two other persons unlawfully pulled down [*or destroyed or began to pull down (or destroy)*] (*name building or machinery etc in terms of section*).
- (2) Being riotously assembled with [more than] two other persons unlawfully damaged (*name building or machinery etc in terms of section*).

### Section 68: Smuggling or rescuing goods under arms

Assembled with [more than] two other persons armed with (*name weapons etc*) a firearm [*or dangerous or offensive weapon*] in order to effect [*or aid in*]—

- (a) the unlawfully shipping [*or unshipping or loading or moving away*] of goods the importation of which was prohibited [*or that are liable to duties of Customs that have not been paid or secured*]; or
- (b) the rescuing of *or* taking goods (*as in paragraph (a)*) from (*name person*) lawfully authorised to seize them [*or from (name person) employed by [or assisting] (name person) lawfully authorised to seize them*] [*or from a place where (name person) lawfully authorised to seize the good, had put them*]; or
- (c) the rescuing of (*name person*) who had been lawfully arrested on a charge of a crime relating to Customs; or
- (d) the prevention of the arrest of (*name person*) guilty of a crime relating to Customs.

### Section 69: Smuggling under arms or in disguise

Assembled with [*or more than*] five other persons having with them (*name goods*) liable to forfeiture under the laws relating to Customs and then carrying (*name weapon, etc*) a firearm [*or dangerous or offensive weapon*] *or* [*and then being disguised*].

### Section 70: Going armed so as to cause fear

Without lawful occasion went armed in public in such a manner to cause terror to (*name person*).

## Schedule 1, s 71

### Section 71: Forcible entry of land

Entered on land that was in actual and peaceful possession of (*name person*) in such a manner as to be likely to cause [reasonable apprehension of] a breach of the peace.

### Section 72: Forcible detainer of land

Being without colour of right in actual possession of land and held possession of it against (*name person*) entitled by law to the possession of this land, in a manner likely to cause [reasonable apprehension of] a breach of the peace.

### Section 73: Affray

Took part in a fight in a public highway [or at (*name place*)] to which the public had access, in such a manner as to alarm the public.

### Section 74: Challenging or provoking to fight a duel

- (a) Challenged [or attempted to provoke] (*name person*) to fight a duel; or
- (b) Attempted to provoke (*name person*) to challenge (*name person*) to fight a duel.

### Section 75: Fighting or promoting a prize fight

- (a) Fought in a prize fight with (*name person*); or
- (b) Subscribed to [or promoted] a prize fight between (*name persons*).

### Section 76: Threatening violence with intent

[In the night time] with intent to—

- (a) intimidate [or annoy (*name person*) threatened to break [or injure] the dwelling house of (*name person*); or
- (b) alarm (*name person*) discharged loaded firearms [or (*describe breach of the peace*)].

### Section 77: Assembling for the purpose of smuggling

Assembled with [more than] two persons for the purpose of unshipping [or carrying or concealing] goods subject to duties of Customs and liable to forfeiture under the laws relating to Customs.

### Section 78: Assembling for an unlawful procession

- (1) Assembled with [more than] two other persons—
  - (a) bearing [or wearing or having amongst them] (*name weapon*) a firearm [or offensive weapon]; or
  - (b) publicly exhibited a banner [or emblem flag or symbol] the displaying of which was calculated to promote animosity between people of different religious faith; or
  - (c) being accompanied by music calculated (*etc as in paragraph (b)*)and being so assembled joined a parade [or procession] for the purpose of—

- (d) celebrating [or commemorating] any festival [or anniversary or political event] relating to [or connected with] religious [or political] distinction [or difference] between any class of people by (*give short particulars*); or
- (e) demonstrating religious [or political] distinction [or difference] between any class of people by (*give short particulars*).

If applicable—

- (2) (*The accused*) was himself/herself then bearing or wearing (*give particulars*) a firearm [or offensive weapon].
- (3) Assembled with [more than] two other persons (*etc as in paragraph (1)(a), (b) or (c)*) and (*name person*) a commissioned officer of the Police Force gave [or caused to be given] the following command: (*set out command in terms of section 78(3) of the Code*) and (*the accused*) continued together with [more than] two other persons and did not disperse within (*state practical time in the circumstances*) after the command was given.

### Section 79: Interfering with political liberty

By violence [or by threatening] to (*give particulars*) (*name person*) hindered [or interfered with his/her] (*give particulars of interference with a political right*).

### Section 81(1): Committing piracy

Within the territorial jurisdiction of Papua New Guinea, committed piracy in that:

- he/she on the high seas committed, otherwise than as an act of war and under the authority of some foreign Prince or State, an act with respect to a ship, or any goods or merchandise belonging to a ship or laden on a ship, that, if the act were committed on land, would constitute robbery as defined in s 384 of the Code; or
- he/she, having on the high seas obtained possession of a ship by means of any such act, retained possession of the ship; or
- he/she at any place within the jurisdiction of the National Court committed under colour of a commission from a foreign State or Prince, whether or not the State or Prince is at war with the Queen and Head of State [or under pretence of authority from any person] any act of hostility [or any act that if it were committed on land, would be robbery as defined in section 384 of the Code] against another person; or
- he/she during a war adhered to [or gave aid to] the enemies of Papua New Guinea at any place within the jurisdiction of the National Court; or
- he/she forcibly entered a ship at any place within the jurisdiction of the National Court, and threw overboard [or destroyed] any part of the goods [or merchandise] belonging to the ship [or laden on it]; or
- he/she being on board a ship at any place within the jurisdiction of the National Court, turned pirate [or enemy or rebel] and piratically ran away with the ship [or any boat, ordnance, ammunition, or goods belonging to it or laden on it] [or voluntarily yielded up the ship or anything referred to in s 80(2)(d)(i) of the Code to a pirate]; or brought a seducing message from a pirate [enemy or rebel]; or consulted [or conspired] with, [or attempted to corrupt], any master or officer of a ship, or any seaman, with intent that he should run away with [or yield up] any ship [or goods or merchandise] [or turn pirate or go over to pirates]; or he/she laid violent hands on the master of the ship, with intent to hinder him from fighting in defence of the ship and goods committed to his/her trust; or he/she confined the master of a ship; or he/she made, or endeavoured to make, a revolt in the ship; or
- he/she being on board a ship, knowingly traded with a pirate [or furnished a pirate with ammunition, provisions or stores] [or fitted out a ship or vessel with a design to trade with or supply, or to correspond with, a pirate [or conspired [or corresponded] with a pirate].

## Schedule 1, s 81(2)

### Section 81(2): Aggravated piracy

Within the territorial jurisdiction of Papua New Guinea, committed piracy with respect to a ship in that he/she (*charge one of the alternatives under s 81(1) of the Code*) and at [*or immediately before or immediately after*] the time of committing the crime he/she assaulted a person on board of [*or belonging to*] the ship, with intent to kill him [*or to kill any other person*] [*or wounded such a person*] or [*unlawfully did an act (describe the act) by which the life of any such person was endangered*].

### Section 82: Attempted piracy

Within the territorial jurisdiction of Papua New Guinea, with intent to commit the crime of piracy with respect to a ship:

- assaulted a person on board [*or belonging to*] the ship, with intent to kill that person [*or to kill any other person*]; or
- wounded a person on board [*or belonging to*] the ship;
- unlawfully did an act in that he/she (*describe the act*) by which the life a person on board [*or belonging to*] the ship was endangered.

### Section 83: Aiding pirates

- (a) brought to (*name person*) a seducing message from (*name person*) who was then a pirate; or
- (b) consulted [*or conspired with or attempted to corrupt*] (*name person*) being the master [*or an officer or seaman*] of the ship (*name it*) with intent that he should run away with [*or yield up*] that ship [*or goods or merchandise in that ship*] [*or turn pirate (or go over to pirates)*].

### Section 84: Disclosure of secrets relating to defence of Papua New Guinea

Being employed in the Public Service, communicated to (*name person*) otherwise than in the course of his/her official duty a plan [*or document or information*] relating to a battery [*or field work or fortification*] at (*place in Papua New Guinea*) [*or relating to the defence of Papua New Guinea*].

### Section 85: Obtaining disclosure of secrets relating to defences

- (a) Procured (*name person*) employed in the Public Service to make communication referred to in s 84 of the Code, viz (*describe communication*); or
- (b) Without lawful authority obtained information as to a matter referred to s 84 of the Code, viz (*describe the matter*).

### Section 86: Disclosure of other official secrets

Being employed in the Public Service published [*or communicated*] to (*name person*) a person to whom he/she was not bound to publish or communicate it—

- (a) (*state facts*) which came to his/her knowledge by virtue of his/her office; or
- (b) (*state document*) which came into his/her possession by virtue of his/her office, and which was his/her duty to keep secret.

**Section 87: Official corruption**

- (a) Being—
- (i) employed in the Public Service [*or* being the holder of the office of (*name it*); and
  - (ii) charged by virtue of such employment [*or* office] with the duty of (*state duty*),
- corruptly asked [*or* received *or* obtained *or* agreed *or* attempted to receive *or* obtain from] (*name person and give particulars of property or benefit asked etc*) for himself/herself [*or* for (*name person*)] on account of them doing [*or* omitting to do] (*particulars of things done etc*) in the discharge of the duties of their office [*or* in consideration that they would in the discharge of their duties (*particulars of things done or omitted*)]; or
- (b) corruptly gave [*or* conferred *or* procured *or* promised *or* offered to give (*or confer or procure*)] to (*name person*) then employed in the Public Service [*or* holding the office of (*name it*)] (*give particulars of property or benefit given etc*) on account of them—
- (i) doing [*or* omitting to do] (*particulars of act done etc*) in the discharge of their duties; or
  - (ii) [*in* consideration that they would in the discharge of his/her duties (*particulars of act done or omitted*)].

**Section 88: Extortion by public officers**

Being employed in the Public Service took [*or* accepted] from (*name person*) for the performance of their duty as such an officer (*give particulars of reward or promise*), a reward [*or* promise of a reward] beyond their proper pay and emoluments.

**Section 89: Acquisition by a public officer of a private interest in a public contract**

Being employed in the Public Service in (*name Department*) knowingly acquired [*or* held] otherwise than as a member of a registered joint stock company consisting of more than twenty persons, a private interest in a contract [*or* agreement] made on account of the Public Service with respect to (*particulars of contract or agreement by his/her Department*).

**Section 90: Holding by a public officer of a private interest in an official matter**

Being employed in the Public Service and charged by virtue of their employment with judicial [*or* administrative] duties respecting (*give particulars of property or trade, etc*) acquired [*or* held] a private interest in such property [*or* manufacture *or* trade *or* business] and while holding this interest discharged their duty with respect to it [*or* to the conduct of (*name person*) in relation to it].

**Section 91: Public officer making false claim**

Being employed in the Public Service as (*state position*) and so required [*or* enabled] to furnish returns [*or* statements] touching on—

- (a) remuneration payable to [*or* claimed to be payable] to themselves [*or* to (*name person*)]; or
- (b) (*give particulars of matter*) required by law to be certified for the purpose of payment of money [*or* delivery of goods] to (*name person*),

made a return [*or* statement] which was to their knowledge false in a material particular in that (*state falsity*) whereas the truth was (*state it*).

## Schedule 1, s 92

### Section 92: Abuse of office

Being employed in the Public Service as (*state position*)—

- (a) did [*or directed to be done*] in abuse of the authority of their office (*give particulars of act*), prejudicial to the lawful rights of (*name person*); or
- (b) did [*or directed to be done*] this act for the purposes of gain.

### Section 93: Valuator corruption

Being duly appointed under (*state law*) to be a valuator for determining compensation to be paid to (*name person*) for land compulsorily taken from them [*or injury done to their land*] under that law—

- (a) acted as a valuator while they had an interest in this land as they then knew; or
- (b) executed unfaithfully [*or dishonestly or with partiality*] the duty of making a valuation [*or of the injury done to*] this land.

### Section 94: Giving false certificate by public officers

Being authorised [*or required*] by law to give a certificate (*give particulars in which certificate to be given so as to show that the rights of someone might be prejudicially affected*) gave such a certificate which was to their knowledge false in a material particular in that it stated (*state falsity*) whereas the truth was (*state it*).

### Section 95: Administering extrajudicial oath

Being [a commissioner for oaths *or (state capacity)*] unlawfully administered an oath to [*or took a solemn declaration or solemn affirmation or an affidavit from*] (*name person*) concerning (*state matter*) with respect to which they had no lawful authority to so do.

### Section 96: False assumption of judicial authority

- (a) Not being a magistrate [*or justice*] assumed to act as a magistrate [*or justice*] in (*give particulars*); or
- (b) Without authority assumed to act as a person having authority by law to administer an oath [*or to take a solemn declaration or solemn affirmation or an affidavit or to act as (give particulars of public act of an authorised person)*]; or
- (c) Represented themselves to (*name person*) to be a person authorised by law to sign a document testifying—
  - (i) to the contents of (*particulars of Register or record*) kept by lawful authority; or
  - (ii) to (*particulars of act or event*),when they knew they were not so authorised.

### Section 97: Personation of a public officer

At (*place and time*)—

- (a) personated (*name person*), employed in the Public Service as (*state position*), when they were required by virtue of their employment to (*particulars of act*) [*or attend at particulars of attendance*] at that time and place; or
- (b) falsely represented themselves to be (*name person*) employed in the Public Service as (*state position*) and assumed to do (*particulars of act*) [*or assumed to attend at (particulars of attendance)*] as that person.

**Section 97A: Corruptly procuring or withdrawing a tender**

With the intention to obtain a [contract from] (*or*) [provide a service to] (*name public body*) offered a gratification to (*name person*) to induce that person to refrain from [making a tender] (*or*) [withdraw a tender] (*or*) [alter a tender]; or

Solicited (*or*) [accepted] a gratification as [an inducement] (*or*) [a reward] for refraining from making a tender (*or*) [withdrawing] (*or*) [altering] a tender for a contract from (*or*) [to provide a service to]... (*name public body*).

**Section 97B: Bribery of a member of the Public Service**

[Offered to] a person employed in the Public Service [or being a person employed in the Public Service solicited] (*or*) [accepted]] a gratification as an [inducement] (*or*) [reward]—

- (a) to [vote] (*or*) [abstain from voting] at a meeting (*insert description of meeting*) [in favour of] (*or*) [against] a proposal to (*insert details of measure*); or
- (b) for [performing] (*or*) [abstaining from performing] (*or*) [aiding in processing] (*or*) [aiding in hindering] an official act, namely (*insert description of act*); or
- (c) for [aiding in procuring] (*or*) [aiding in preventing] [the passage of a vote, namely (*describe vote*)] (*or*) [granting of a contract, namely (*describe contract*)] in favour of (*name person*); or
- (d) for [showing favour] (*or*) refrain from showing favour] (*or*) [disfavour] in his/her capacity as a person employed in the Public Service.

**Section 97C: Failing to report corrupt gratification**

Without reasonable excuse, failed to report to a commissioned police officer, at the earliest opportunity, that they had been corruptly [offered] (*or*) [given] a gratification, viz (*state the nature of the gratification*).

**Section 97G(1): Corrupt receipt of secret commission**

Being the agent of their principal... (*name the principal*) corruptly [received] (*or*) [solicited] from... (*name person*) [for themselves] (*or*) (*name the other person*) a valuable consideration viz... (*state nature of the valuable consideration*)—

- (a) as [an inducement] (*or*) [reward], on account of [doing] (*or*) [forbearing to do], (*or*) [having done] (*or*) [having forborne to do] an act in relation to the [affairs] (*or*) [business] of the principal, namely... (*specify the act done or forborne*); or
- (b) the receipt of which valuable consideration would tend to influence him [to show] (*or*) [to forbear to show] [favour] (*or*) [disfavour] to... (*name of the person*) in relation to the affairs (*or business*) of the principal.

**Section 97G(2): Corrupt giving of secret commission**

Corruptly gave (*or*) [offered to give]... (*Name of the person given or offered*) being the agent of their principal... (*Name of the principal*) a valuable consideration viz... (*State the nature of the consideration*)—

- (a) as [an inducement] (*or*) [reward] [to do an act] (*or*) [to forbear from doing an act] in relation to the [affairs] (*or*) [business] of the principal, namely... (*set out the nature of the act alleged*); or
- (b) the [receipt of such valuable consideration] (*or*) [expectation of receipt of the valuable consideration] would tend to influence... (*the accused*) [to show] (*or*) [to forbear to show] [favour] (*or*) [disfavour] to... (*name of the person with whom the agent would deal in relation to the business of the principal*).

## Schedule 1, s 97I

### Section 97I: Fraudulent giving of false receipt

With intent to deceive or defraud the principal, gives to an agent [*or* being an agent who receives *or* uses *or* gives to the principal], a receipt [*or* invoice, account *or* document] in respect of which, or in relation to a dealing, transaction or matter in which, the principal is interested and which—

- (a) contains a statement which is false or erroneous or defective in any important particular, or contains an overcharge or is in any way likely to mislead the principal; or
- (b) omits to state explicitly and fully the fact of a commission, percentage, bonus, discount, rebate, repayment, gratuity or deduction having been made, given, or allowed, or agreed to be made, given or allowed.

### Section 97J(1): Giving advice subject to secret commission

Gave advice to... (*the person receiving the advice*) with the intention of influencing... (*the person receiving the advice*) to—

- (a) [enter into a contract with a third person, namely (*give name of third person*); (*or*)
- (b) [appoint] (*or*) [jointly with another to appoint]; (*or*)
- (c) [vote for] (*or*) [aid in obtaining the election] (*or*) [aid in obtaining the appointment]; (*or*)
- (d) [authorise] (*or*) [join with another in authorising the appointment];

of... (*the name of the person to be appointed*) as [a trustee] (*or*) [director] (*or*) [manager] (*or*) [official] and without the consent of... (*the person receiving the advice*)... (*the accused*) received a valuable consideration, namely... (*insert the nature of the valuable consideration*) from... (*insert the name of the person to be appointed*).

### Section 97J(3): Offering or soliciting secret commission

Knowing that... (*the person providing the advice*) was to provide advice to... (*the person receiving the advice*), with the intention of influencing... (*the person receiving the advice*) to—

- (a) [enter into a contract with a third person, namely (*give identity of third person*)]; or
- (b) [appoint] (*or*) [jointly with another to appoint]; (*or*)
- (c) [vote for] (*or*) [aid in obtaining the election] (*or*) [aid in obtaining the appointment of]; (*or*)
- (d) [authorise] (*or*) [join with another in authorising the appointment];

of... (*the accused*) as a trustee (*or*) [director] (*or*) [manager] (*or*) [official] and without the consent of] (*or*) [without the knowledge of]... (*the person receiving the advice*)... (*the accused*) [gave a valuable consideration] (*or*) [offered a valuable consideration], namely... (*insert the nature of the valuable consideration*) to... (*the name of the person giving the advice*) [with the intent that the [gift] (*or*) [receipt] of the valuable consideration was not to be made know to the person advised].

### Section 97K: Offering or receiving a secret commission in relation to a trustee

[Offered] (*or*) [gave] a valuable consideration viz... (*insert description of valuable consideration*) to... (*insert the name of the trustee*) who was a trustee, without the consent of the persons beneficially entitled to the estate [or of a Judge], as [an inducement] (*or*) [a reward] for—

- (a) [appointing] (*or*) [having appointed]; or
- (b) [joining with another] (*or*) [having joined with another]; (*or*)
- (c) [authorising] (*or*) [having authorised] (*or*) [joining with another in authorising];

a person to be [appointed in his/her stead] (*or*) [or instead of him] namely... (*insert the name of the person appointed or to be appointed*) [and... (*the name of any other person appointed or to be appointed*)] as a trustee (*or*) [as trustees].

OR

Being a trustee received [or solicited] a valuable consideration viz... (*insert description of valuable consideration*) from... (*insert the name of the person giving or from whom the consideration was solicited*), without the consent of the persons beneficially entitled to the estate or of a Judge, as [an inducement] (*or*) [a reward] for—

- (a) [appointing] (*or*) [having appointed]; or
- (b) [joining with another] (*or*) [having joined with another]; (*or*)
- (c) [authorising] (*or*) [having authorised] (*or*) [joining with another in authorising].

### Section 97L: Taking part in unauthorised act by company officer

Being a [director] (*or*) [manager] (*or*) [officer] [of a company, namely... (*insert name of the company*)] (*or*) [being an officer] (*or*) [being a member of the crew] [of a vessel, namely... (*insert name of the vessel*)] (*or*) [being a person acting for another, namely... (*insert the name of the other person*)]

- (a) [knowingly took part in]; (*or*)
- (b) [was privy to doing]; (*or*)
- (c) [attempted to do] without authority..

(*insert the particulars of the facts of the actual act contravening the provision of Division III.2A of the Code*).

### Section 99: Personation of a voter at an election

Voted [or attempted to] vote in the name of (*name person*) at an election held on (*date*) at (*place*) for (*give particulars of election, purpose and constituency*).

### Section 100: Double voting

Being an elector entitled to vote voted [or attempted to vote] at the (*give particulars*) more often than they were entitled to vote (*state number of times*).

### Section 101: Corruptly providing food, drink or lodging at election

- (1) Before [or during or after] an election held, corruptly provided [or paid (*part of*) the expense of providing] food [or drink or lodging] to [or for] (*name person*)—
  - (a) on account of them (*or name person*) an elector entitled to vote at that election having done [or omitted to do] (*state act or omission*) at the election; or
  - (b) [or in consideration that (*name person*) an elector entitled to vote did at the election or omitted to do (*state act or omission*) at the election].
- (2) Before [or during or after] an election held, being an elector at that election corruptly received food (*or drink or lodging*) on account of them [or of (*name person*)] having done (*etc*).

## Schedule 1, s 102

### Section 102: Undue influence

- (a) Used [*or threatened to use*] force [*or restraint*] or [*did or threatened to do some temporal or spiritual injury*] or [*caused or threatened to cause detriment*] to (*name person*) an elector at an election held—
  - (i) in order to induce them to vote [*or refrain from voting*] at that election; or
  - (ii) on account of them voting [*or refraining from voting*] at that election; or
- (b) Prevented [*or obstructed*] the free exercise of the franchise by (*name person*) [*or compelled or induced (name person) to vote (or refrain from voting)*] at an election held by (*give particulars of force or fraud or compulsion used*).

### Section 103: Bribery in connection with election

- (a) Gave [*or conferred or procured or promised (or offered)*] to give (*or confer or procure or attempt to procure*) to [*or on or for*] (*name person and give particulars of property or benefit given*)—
  - (i) on account of them [*or name person*] having (*give particulars of thing done or omitted to be done*) by him [*or name person*] an elector [*or in consideration that they (or name person) would (give particulars of act or omission)*]; or
  - (ii) on account of them [*or name person*] having acted [*or joined or agreed to act or agreed to join*] in a procession; or
  - (iii) in order to induce him [*or name person*] to endeavour to procure the return of (*name person*) [*or the vote of (name person) an elector*], at an election held; or
- (b) being an elector asked [*or received or obtained or agreed (or attempted)*] to receive *or obtain*] (*give particulars of property or benefit asked for*) for themselves [*or (name person)*] on account of them having (*give particulars of act or omission*) as an elector at an election held; or
- (c) asked [*or received or obtained or agreed (or attempted)*] to receive (*or obtain*) for themselves (*name person*) (*give particulars of property or benefit asked for*) on account of a promise made by him [*or (name person)*] to endeavour to procure the return of (*name person*) [*or the vote of (name person)*] at an election held; or
- (d) advanced [*or paid*] the sum of (*amount*) to [*or to the use of*] (*name person*) with intent that it should be applied for the purpose of bribery (*give particulars in terms of paragraph (a), (b) or (c)*) at an election held; or
- (e) corruptly transferred [*or paid*] (*give particulars of property or money*) to (*name person*) for the purpose of enabling them to be registered as an elector for (*constituency*) and so influencing their role at a future election; or
- (f) was privy to the transfer or payment of (*etc as in paragraph (e)*) and this transfer [*or payment*] was made for the benefit of (*the accused*); or
- (g) convened [*or held*] a meeting of electors [*or of their committee*] in a house licensed for the sale of fermented [*or spirituous*] liquors when a candidate at an election held.

### Section 105: Illegal practices in connection with election

- (a) Being prohibited by law from voting at an election and knowing that he/she was so prohibited to vote, voted at an election held; or
- (b) Procured (*name person*) knowing he/she was prohibited by law from voting at an election, to vote at an election held; or
- (c) Before [*or during*] an election held and for the purpose of promoting [*or procuring the choice of (name person)*] a candidate at this election, knowingly published a false statement that (*name person*) another candidate had withdrawn from being a candidate at that election; or

- (d) Before [*or during*] an election held and for the purpose of affecting the return of (*name person*) a candidate at this election knowingly published a false statement of fact respecting his/her personal character [*or conduct*] to the effect that he/she (*state falsity*); or
- (e) Being a candidate at an election held withdrew from being such candidate in consideration of the payment [*or of a promise of payment*] to them of the sum of (*amount*); or
- (f) Being a candidate [*or the agent of (name person) a candidate*] at the election held corruptly procured (*name person*) who was also a candidate at that election to withdraw from being such candidate in consideration of the payment [*or promise of payment*] to (*name person*) of the sum of (*amount*).

### Section 106: Other illegal practices in connection with election

- (a) Knowingly provided money for the purpose of a payment contrary to (*state law*) [*or for the purpose of replacing money which had been expended contrary to (state law)*] in relation to an election held; or
- (b) Printed or [*published or posted*] a bill [*or placard or poster*] which did not bear on its face the name and address of the printer and publisher of it, in relation to an election held; or
- (c) Hired [*or used*] for a committee room at an election held—
  - (i) part of a house then used for the sale of fermented [*or spirituous*] liquors; or
  - (ii) part of premises called the (*name club*) not being a permanent political club, and where intoxicating liquor was sold [*or supplied*] to members of the club [*or society or association*] and such premises did not have a separate entrance and had direct communication with that part of the premises in which intoxicating liquor was sold and was not ordinarily let for the purpose of chambers or offices or for holding public meetings or arbitrations; or
- (d) Let for use as a committee room at an election held part of premises (*etc as in subparagraph (c)(ii)*) and (*the accused*) knew that the premises were intended to be used as a committee room.

### Section 108: Interference at elections

- (a) Intruded into a polling booth when not being lawfully entitled to do so; or
- (b) Wilfully interrupted [*or obstructed or disturbed*] (*state proceedings*) at an election.

### Section 109: Wilful violation of secrecy of ballot

- (1) After receiving the ballot paper from (*name person*) the presiding officer at an election held—
  - (a) wilfully made on it a mark [*or writing*] not expressly authorised by law; or
  - (b) wilfully failed to fold it in such a manner as to conceal the names of candidates; or
  - (c) wilfully failed to deposit it in the ballot box in the presence of the presiding officer; or
- (2) Took [*or attempted to take*] a ballot paper out of a polling booth or whilst (*name person*) an elector, was preparing his/her ballot paper in a compartment provided for the use of electors actually voting wilfully intruded into the compartment.

### Section 110: Placing unlawful ballot paper in ballot box

Placed [*or was privy to placing*] in a ballot box a ballot paper which had not been lawfully handed to and marked by an elector at an election held.

## Schedule 1, s 111

### Section 111: Wilful failure to perform duty by a presiding officer

Being a presiding officer at an election held—

- (a) and being called on [*or by*] (*name person*) an elector who was blind [*or unable to read*] to mark his/her ballot paper against the name of the candidate [*or candidates*] for whom he desired to vote, wilfully failed to do so in the polling booth and in the presence and sight of persons then lawfully present; or
- (b) whilst (*name person*) an elector was preparing his/her ballot paper in a compartment provided for the use of electors, wilfully allowed (*name person*) to be in the compartment.

### Section 112: Giving false answers to questions at elections

At an election (*give particulars*)—

- (a) wilfully made a false answer to a question lawfully put to them by (*name person*), the presiding officer at the election, and one which they were required by law to answer by, (*give particulars of false answer*); or
- (b) being lawfully required to make a declaration before voting wilfully made a false declaration by (*state falsity*) whereas the truth was (*state it*).

### Section 113: Interfering with secrecy at an election

At an election (*give particulars*) —

- (a) knowingly and wilfully and without the lawful command of a Court or tribunal, unfastened the fold upon a ballot paper within which the number of an elector was written, and which fold had been made in accordance with law; or
- (b) being (*name position*) attempted to ascertain [*or discover*] [*or aided in ascertaining (or discovering)*] the candidate for whom the vote of (*name person*), not voting openly, was given; or
- (c) being (*name position*) and having in the exercise of his/her office obtained knowledge of the candidate for whom the vote of (*name person*) was given disclosed that knowledge to (*name person*) otherwise than in answer to a question put in the course of proceedings before a Court or tribunal; or
- (d) being (*name position*) placed a mark [*or writing*] not authorised by law on a ballot paper.

### Section 114: Breaking seal of parcel at an election

Knowingly and wilfully and without the lawful command of a Court or tribunal opened [*or broke the seal of*] a sealed parcel which had been duly sealed under the provisions of the laws relating to elections.

### Section 115: Offences at elections when voting is by post

At an election held and at which the voting was by post—

- (a) knowing that they were not entitled to vote signed their name as a voter to a voting paper issued by the returning officer; or
- (b) signed the name of (*name person*) to a voting paper issued by the returning officer; or
- (c) attested the signature of (*name person*) as a voter to a voting paper issued by the returning officer knowing that (*name person*) was not entitled to vote by means of that voting paper.

**Section 116: Making a false electoral claim**

- (a) Made a claim to have his/her name inserted in a list of voters for the (*name constituency*) and wilfully stated falsely in it (*state falsity*) whereas the truth was (*state it*); or
- (b) Made orally [*or in writing*] to (*name Court*) with jurisdiction to deal with claims of registration of electors, a wilfully false statement relating to his/her qualification [*or the qualification of (name person)*] as an elector by stating (*state falsity*) whereas the truth was (*state it*).

**Section 117: Corruptly bargaining for offices in the Public Service**

- (a) Corruptly asked [*or received or obtained or agreed (or attempted)*] to receive [*or obtain*] from (*name person*) (*particulars of property or benefit*) for himself/herself [*or for (name person) on account of him [or (name person)] having (state thing done or omitted) with regard to (particulars of appointment or application as in s 117(a)(i) or (ii) of the Code)*]; or
- (b) Corruptly gave [*or conferred or procured or promised (or offered)*] to give (*or confer or procure or attempt to procure*) to [*or on or for*] (*name person*) (*particulars of property or benefit*) on account of him having (*state thing done etc as in paragraph (a)*).

**Section 119: Judicial corruption**

- (a) Being the holder of a judicial office (*name judicial office*) corruptly asked [*or received or obtained or agreed or (attempted)*] to receive [*or obtain*] from (*name person*) property [*or benefit*] (*particulars of property or benefit*) for themselves [*or for (name person)*] on account of anything done [*or to be done or omitted to be done*] by them, in their judicial capacity; or
- (b) Corruptly gave [*or conferred or procured or promised (or offered)*] to give (*or confer or procure or attempt to procure*) (*particulars of property or benefit*) or [*on or for*] a person holding judicial office (*name person and office*) on account of anything done [*or to be done or omitted to be done*] by them, in their judicial capacity.

**Section 120: Corrupt interference with due administration of justice**

- (a) Being a justice (*name judicial office*) not acting judicially [*or being a person employed in the Public Service in any capacity not judicial for the prosecution or detention or punishment of offenders*] corruptly asked [*or received or obtained or agreed or (attempted)*] to receive [*or obtain*] from (*name person*) (*particulars of property or benefit*) for themselves [*or for (name person)*] on account of anything done [*or omitted to be done, or to be done or omitted to be done, by them, with a view to corrupt [or improper] interference with the due administration of justice [or the procurement or facilitation of the commission of an offence or the protection of an offender or intending offender from detection or punishment]*]; or
- (b) Corruptly gave [*or conferred or procured or promised (or offered)*] to give (*or confer or procure or attempt to procure*) (*particulars of property or benefit*) or [*on or for*] (*name person*) then being (*name office*) on account of (*name person*) in his/her judicial capacity (*state thing to be done or omitted in terms of s 120(1)(a) of the Code*).

**Section 121: Perjury**

Knowingly gave false testimony in a judicial proceeding [*or for the purpose of instituting any judicial proceeding*] concerning a matter that was material to a question then depending in the proceedings [*or intended to be raised in the proceedings*].

## Schedule 1, s 122

(If applicable, in circumstances of aggravation: and that false testimony was given to procure the conviction of another person for a crime punishable with death [or with imprisonment for life].)

### Section 122: Fabricating evidence

With intent to mislead a tribunal in a judicial proceeding (*set out particulars of tribunal and proceeding*)—

- (a) fabricated evidence by means other than perjury or counselling or procuring the commission of perjury (*give particulars of fabrication*); or
- (b) knowingly made use of evidence which had been fabricated by (*give particulars of fabrication*).

### Section 123: Corruption of witness

- (a) Gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or on or for] (*name person*) (*particulars of property or benefit*) on an agreement [or understanding] that (*name person*) [to be] called as a witness in (*give particulars of judicial proceeding*) will give false testimony [or withhold true testimony]; or
- (b) Attempted by (*particulars of means used*) to induce (*name person*) [to be] called in (*etc as in paragraph (a)*); or
- (c) Asked [or received or obtained or agreed or (attempted) to receive (or obtain)] from (*name person*) (*particulars of property or benefit*) for himself/herself [or (*name person*)] on an agreement [or understanding] that (*name person*) will as a witness in (*etc as in paragraph (a)*).

### Section 124: Deceiving a witness

With intent to affect the testimony of (*name person*) [to be] called as a witness in (*give particulars of judicial proceeding*)—

- (a) fraudulently [or deceitfully] (*give particulars of fraud practised on them*); or
- (b) knowingly falsely stated [or exhibited or represented or made a token (or writing)] to them by (*give particulars of deception*).

### Section 125: Destroying evidence

Knowing that (*give particulars of book, document or thing*) was [or might be] required in evidence in (*give particulars of judicial proceeding*) wilfully destroyed it [or wilfully made it illegible (or undecipherable or incapable of identification) with intent to prevent it from being used as evidence.

### Section 126: Preventing witness from attending court

Wilfully prevented [or attempted to prevent] (*name person*), duly summoned to attend before (*name Court or tribunal*)—

- (a) from so attending; or
- (b) from producing (*particulars*) under this subpoena [or summons].

### Section 127: Conspiring to bring false accusation

Conspired with another person to charge a person [or cause any person to be charged] with an offence, knowing that the person is innocent of the alleged offence [or not believing them to be guilty of the alleged offence].

(If applicable, in circumstances of aggravation: in that a person convicted of such offence is liable to be sentenced to death [or to imprisonment for life]).

### Section 128: Conspiring to defeat justice

Conspired with another person (*name person*) to obstruct [or prevent or pervert or defeat] the course of justice in (*give particulars of the judicial proceedings*).

### Section 129: Compounding or concealing a crime

Asked [or received or obtained or agreed or attempted] to receive [or obtain] from (*name person*) property [or a benefit] (*particulars of property or benefit*) for themselves [or for (*name person*)] on an agreement [or understanding] that they would—

- (a) compound [or conceal] the crime of (*state*) committed by (*name person*); or
- (b) abstain from [or discontinue or delay] the prosecution of (*name person*) for the crime of (*state*); or
- (c) withhold evidence of the crime of (*state*) committed by (*name person*).

### Section 130: Compounding penal actions

Having brought [or under pretence of bringing] an action against (*name person*) in (*name Court*) under the provisions of (*state penal law*) in order to obtain from them a penalty for an offence then committed [or alleged to have been committed] by them compounded the action without the order or consent of the court in which the action was brought.

### Section 131: Advertising reward for return of stolen property

- (a) Publicly offered a reward for the return of (*name of stolen property*) which had been stolen [or lost] and in the offer stated that—
  - (i) no questions would be asked; or
  - (ii) the person producing it would not be seized or molested; or
- (b) Publicly offered to return to any person who might have brought or advanced money by way of loan upon (*name property*) which had been stolen [or lost] the money so paid or advanced [or the sum of K... or a reward] for the return of that property; or
- (c) Printed [or published] an offer of a reward (*etc as in paragraph (a)*) [or an offer to return *etc as in paragraph (b)*].

### Section 132: Magistrate requiring unreasonable bail or exercising jurisdiction in which there is a personal interest

Being a magistrate—

- (a) required [or authorised] by law to admit (*name person*) to bail did without reasonable excuse and in abuse of their office require from that person excessive and unreasonable bail; or
- (b) wilfully and perversely exercised jurisdiction in a matter in which they had a personal interest by (*give particulars of actions taken*).

## Schedule 1, s 133

### Section 133: Wilful delay in taking arrested person before magistrate

Having arrested (*name person*) on a charge of (*state offence*) wilfully delayed taking them before a magistrate to be dealt with according to law.

### Section 134: Bringing fictitious action on penal law

Brought an action in (*state Court*) in the name of (*name person*) a fictitious plaintiff [*or* in the name of (*name person*) without their authority] against (*name person*) on (*state penal law*) for the recovery of a penalty for an offence committed [*or* alleged to have been committed] by them.

### Section 135: Inserting advertisement without authority of Court

- (a) Without authority inserted [*or* caused to be inserted] in the *National Gazette* or (*name newspaper*) an advertisement purporting to be published under the authority of (*name Court or tribunal*); or
- (b) Inserted [*or* caused to be inserted] in the *National Gazette* or (*name newspaper*) an advertisement purporting to be published under the authority of (*name Court or tribunal*) knowing that it was false in a material particular in that (*state falsity*) and the truth was (*state it*).

### Section 136: Attempting to pervert course of justice

Attempted, by (*particulars of act alleged*) to obstruct [*or* prevent *or* pervert *or* defeat] the course of justice in (*particulars of matter obstructed etc*).

### Section 137: Forcible rescue of a capital offender

Rescued [*or* attempted to rescue] by force from lawful custody (*name person*) an offender under sentence of death [*or* being a person committed to prison on a charge of a crime (*state crime*) punishable with death].

### Section 138: Aiding prisoner to escape

- (a) Aided (*name person*) then a prisoner in lawful custody in escaping [*or* attempting to escape] from such custody; or
- (b) Conveyed a thing [*or* caused a thing to be conveyed into] (*state thing*) into a prison with intent to facilitate the escape of (*name person*) then a prisoner in lawful custody.

### Section 139: Escape from lawful custody

Being a prisoner in lawful custody escaped from such custody.

### Section 140: Permitting prisoner to escape

Being an officer of a prison [*or* a police officer] charged with the custody of a prisoner (*name person*) then in lawful custody wilfully permitted them to escape from such custody.

### Section 141: Harboursing escaped prisoner

Harboured [*or* maintained *or* employed] a person (*name person*) who was to their knowledge a prisoner who had escaped from custody and was illegally at large.

**Section 142: Rescuing person of unsound mind**

- (a) Rescued (*name person*) a person of unsound mind, during their conveyance to [or confinement in] a hospital [or reception house] for persons of unsound mind [or a house licensed under the laws relating to persons of unsound mind for the reception of patients [or a prison]; or
- (b) Being in charge of (*name person*) while they were being conveyed to a hospital [or other such place as per paragraph (a)] wilfully permitted them to escape; or
- (c) Being a superintendent of [or being employed in] a hospital [or other such place as per paragraph (a)] permitted (*name person*) confined in it, to escape; or
- (d) Concealed (*name person*) who had been rescued [or escaped] while being conveyed as a person of unsound mind to [or confirmed as unsound mind in] a hospital [or other such place as per paragraph (a)].

**Section 143: Removing property under lawful seizure**

Knowingly and with intent to hinder [or defeat] a process [or authority] of a Court (*state process or authority and Court*) received [or removed or retained or concealed or disposed of] property (*particulars of property*) which had been attached [or taken] under the process [or authority] of that Court.

**Section 144: Obstructing officer of court**

Wilfully obstructed [or resisted] (*name person*) then lawfully charged with the execution of an order [or warrant] of a court (*name court*).

**Section 146: Gilding metal with intent to make counterfeit coin**

- (a) Gilded [or silvered] a piece of metal [or material] of a fit size [or figure] to be coined [or coloured a piece of metal (*or material*) of such size so as to make it look like gold (*or silver*)] with intent that it should be coined into a counterfeit coin of a (*state coin it represents*); or
- (b) Made [or began to make] a piece of metal [or material] into a fit size [or figure] to facilitate the coining from it of a counterfeit coin of a (*state coin it represents*) with intent that this counterfeit coin would be made from it.

**Section 147: Unlawfully making coining instrument**

Made [or mended or began to make or mend or had in their possession or received or disposed of] a coining instrument without lawful excuse.

**Section 148: Making counterfeit coin**

Made [or began to make] a counterfeit coin of (*state coin it represents*) a current coin of (*name country*).

**Section 149: Unlawfully buying or selling counterfeit coin**

- (a) Bought [or sold, received, paid or disposed or offered to do so] without lawful excuse counterfeit coin at a lower rate than it imports or is apparently intended to import; or
- (b) Brought [or received] into Papua New Guinea counterfeit coin, without lawful excuse knowing it to be counterfeit.

## Schedule 1, s 150

### Section 150: Unlawful possession of counterfeit coin

- (a) Possessed a counterfeit coin of a (*state coin it represents*) knowing it to be counterfeit with intent to utter it [*or that it be uttered by another person (name person)*]; or
- (b) Possessed bullion [*or metal, material, substance or article*] intending to use it [*or knowing that it is intended to be used*] in connexion with the making of counterfeit coin (*state coin it represents*).

### Section 151: Uttering counterfeit coin

Uttered a counterfeit coin of a (*state coin it represents*) knowing that it was counterfeit.

### Section 152: Uttering metal etc as coin

With intent to defraud, utters as and for a current coin, coin that was not current coin [*or metal or piece of metal or other material*] that is of less value than the current coin as and for which it is uttered.

### Section 153: Clipping or sweating coins

Dealt with current coin in such a manner as to diminish its weight, with intent that when so dealt with it may pass as current coin.

### Section 154: Unlawful possession of metal for dealing with coin

Had in their possession [*or disposed of*] metal [*or other material or substance*] without lawful excuse that to their knowledge was obtained by dealing with current coin in such a manner as to diminish its weight.

### Section 155: Making, possessing or selling tokens resembling coins

Unlawfully made [*or began to make or sold or offered for sale or had in his/her possession for sale*] a medal [*or metal or cast or token*] not being a genuine coin—

- (a) which resembled in size figure and colour (*name coin*) a current coin; or
- (b) which bore (*name device*) resembling one on (*name coin*) a current coin; or
- (c) which could by gilding [*or silvering or colouring or (give particulars)*] be dealt with to resemble (*name coin*) a current coin and capable [*or would if so dealt with*] of being passed for a genuine (*name coin*) coin.

### Section 156: Defacing coins

Defaced (*name coin*) a current coin by stamping on it (*particulars of name or word stamped*).

### Section 157: Destroying coins

Without the consent of an authorised person destroyed by (*state means*) (*name coin*) a current coin [*or in the course of carrying on (state trade or business) defaced (name coin) a current coin*].

**Section 158: Unlawful possession of forged notes**

Without lawful excuse purchased [or received] from (*name person*) [or had in their possession] a forgery of (*name note*) a current note.

**Section 159: Forging or uttering of notes**

With intent to defraud forged a (*name note*) a current note [or with intent to defraud uttered a (*name note*) a current note, knowing it to be forged.

**Section 160: Making false forms of notes**

Without the authority of the Central Bank made [or had in their possession] a form of a (*name note*) note [or an instrument or thing that may be used in the making of a form of a note (*give particulars*).

**Section 161: Fraudulent alteration of notes**

With intent to defraud altered the amount of a current note by (*give particulars*).

**Section 162: Unauthorised copying of notes**

Without the authority of the Central Bank made [or had in their possession] a copy of a note of (*give particulars*) [or a writing or engraving or photograph or print] of a current note of (*give particulars*).

**Section 168: Dealing with forfeited goods**

Without lawful authority dealt with [or moved or altered or interfered with] (*name goods*) which had been forfeited to the State pursuant to (*give particulars of forfeiture*).

**Section 169: Stopping mail with intent to search**

- (a) Stopped a mail conveyance, with intent to search the mail; or
- (b) Stopped a person (*name person*) engaged in conveying [or delivering] a mail, with intent to search the mail.

**Section 170: Secreting or destroying things sent by post or ICT service**

Unlawfully secreted [or destroyed] (*name thing or any part of such thing*) then in the course of transmission by post [or ICT service].

**Section 171: Tampering with things sent by post or ICT service**

Being employed by [or under] Post PNG Limited [or an ICT licensee]—

- (a) Did with respect to a thing (*name thing*) sent by post [or ICT service] which was in the course of transmission an act (*describe act*) that he/she was not authorised to do by virtue of their employment; or
- (b) knowingly permitted another person (*name person*) to (*particulars etc as in paragraph (a)*).

## Schedule 1, s 172

### Section 172: Wilful misdelivery of things sent by post or ICT service

Being charged by virtue of his/her/their employment [*or of a contract*] (*give particulars*) with the delivery of (*name thing*) sent by post [*or ICT service*], wilfully delivered it to (*name person*) a person other than (*name person*) or their authorised agent to whom it was addressed.

### Section 173: Delivery of thing by false pretence

By falsely pretending to (*name person*) employed by or under Post PNG Limited [*or ICT licensee*], that (*particulars of false presence*) induced (*name person*) to deliver to him/her (*name thing*) sent by post [*or ICT service*] and which was not addressed to him/her.

### Section 174: Wilful secreting of things sent by post

Wilfully secreted [*or detained*] (*name thing*) sent by post addressed to (*name person*) and—

- (a) was found by (*the accused*); or
- (b) was wrongly delivered to (*the accused*),

and which ought to have been delivered to (*name person*) as he/she then well knew.

### Section 175: Fraudulent issue of money orders or postal notes

Being employed by [*or under*] Post PNG Limited [*or an ICT licensee*] and charged by virtue of such employment with the duty of [*or in connection with the duty of*] issuing money orders [*or postal notes*] unlawfully and with intent to defraud issued a money order [*or postal note*] (*give particulars*).

### Section 176: Sending fraudulent message respecting money orders

Being employed by [*or under*] Post PNG Limited [*or an ICT licensee*] and charged by virtue of such employment with the duty of [*or in connection with the duty of*] issuing money orders sent to (*name person*) a false [*or misleading*] letter [*or communication sent by means of an ICT service or message*] concerning a money order [*or money payable to (name person)*].

### Section 177: Sending dangerous or obscene things by post

Knowingly sent [*or knowingly attempted to send*] by post (*name thing*)—

- (a) which enclosed (*name thing*) which was likely to injure—
  - (i) other things in the course of conveyance; or
  - (ii) any person; or
- (b) which enclosed an indecent [*or obscene*] print [*or painting or photograph or lithograph etc*]; or
- (c) which had on it [*or in it or on its cover*] indecent [*or obscene or grossly offensive*] words [*or marks or designs*].

### Section 178: Retarding delivery of mail

- (a) Being required by law [*or by virtue of his/her employment*] (*give particulars*) to (*give particulars in terms of section*)—

- (i) neglected or refused to do it; or
  - (ii) wilfully detained [*or* delayed or permitted the detention or delay of (*name thing*)]; or
- (b) Being employed or under Post PNG Limited negligently—
- (i) lost; or
  - (ii) detained [*or* delayed or permitted the detention or delay of], (*name thing*) sent by post [*or* telegraph].

### Section 179: Obstructing mail

Wilfully obstructed [*or* delayed] the conveyance or delivery of mail (*give particulars*).

### Section 180: Failing to convey mail in speedy manner

Being a driver of a vehicle used for the conveyance of mails [*or* being a person in charge of mail]—

- (a) loitered on the road; or
- (b) wilfully misspent [*or* lost] time; or
- (c) was under the influence of intoxicating liquor; or
- (d) did not convey the mail at the speed fixed by the Board of Post PNG Limited for its conveyance.

### Section 181: Fraudulently removing stamps

With intent to defraud—

- (a) removed from (*name thing*) sent by post the stamp affixed on it; or
- (b) removed from a used stamp the mark made on it at a post office; or
- (c) used a postage stamp that had been obliterated [*or* defaced] by a mark made on it at a post office as he then well knew.

### Section 182: Fraudulent evasion of postal laws

- (a) knowingly and fraudulently put into a post office (*name thing*) in [*or* on] which [*or* in *or* on the cover of which] there was a letter [*or* newspaper or (*name thing*) or writing or mark (*give particulars*)] which was not allowed by (*state law*) to be placed there; or
- (b) wilfully subscribed on the outside of (*name thing*) sent by post a statement of contents to be (*state falsity*) whereas the truth was (*state it*); or
- (c) knowingly and fraudulently put into a post office (*name thing*) which purported to be (*name thing*) exempted [*or* privileged] by (*state law and privilege or exemption*).

### Section 183: Unlawfully sending or conveying letters

- (a) Contrary to the *Postal Services Act* 1996, sent [*or* conveyed] a letter for hire [*or* reward] otherwise than by post; or
- (b) Contrary to the *Postal Services Act* 1996, took charge of a letter for conveyance for hire [*or* reward].

## Schedule 1, s 184

### Section 184: Illegally conducting a postal business

- (a) without lawful excuse—
- (i) made an envelope [*or wrapper or card or form*]—
    - (A) being an imitation of one issued by or under the authority of Post PNG Limited [*or the postal authority of (name country)*]; or
    - (B) on which there appeared (*particulars of word, letter or mark*) that signified or implied or reasonably induced (*name person*) who received it to believe that this (*name article*) was sent on the service of the National Government [*or the Public Service of (name country)*]; or
  - (ii) made on an envelope [*or wrapper or card or form*] for the purpose of it being issued [*or sent*] by post [*or give particulars*]—
    - (A) a stamp [*or mark*] (*etc as in sub-subparagraph (i)(A)*),
    - (B) a (*particulars of stamps*) [*or mark*] (*etc as in sub-subparagraph (i)(B)*); or
  - (iii) issued [*or sent by post or etc*] an envelope [*or wrapper or card or form*] marked with (*etc as in subparagraph (ii)*); or
- (b) without the authority of Post PNG Limited—
- (i) placed [*or maintained or permitted to be placed (or maintained or to remain)*] in [*or on or near*] (*name place*) under his/her control the words “Post Office” [*or (state other words etc)*] that signified or implied or reasonably induced (*name person*) that it was a post office]; or
  - (ii) placed [*or permitted to be placed (or to remain)*] on a vehicle under his/her control the words “Royal Mail” [*or (state other words etc)*] that signified or implied or reasonably induced (*name person*) that the vehicle was used for the conveyance of mails]; or
- (c) without the licence of Post PNG Limited—
- (i) sold [*or offered or exposed for sale*] a postage stamp (*give particulars*); or
  - (ii) placed [*or permitted to be placed (or to remain)*] on [*or near*] his/her house or premises (*give particulars*) the words “licensed to sell stamps” [*or (state other words etc)*] that signified or implied or reasonably induced (*name person*) that he is duly licensed to sell postage stamps.

### Section 185: Destroying letter receiver

- (a) Wilfully destroyed [*or damaged*]—
- (i) (*give particulars of receptacle*) provided by the authority of Post PNG Limited for the reception of (*name thing*) intended be sent by post; or
  - (ii) (*give details of card or notice relating to the postal service [or telegraph service]*) set up by authority of Post PNG Limited; or
- (b) Obliterated (*details of letter or figure*) on (*etc as in subparagraphs (a)(i) and (ii)*).

### Section 186: Placing injurious substance in or against letter boxes

Placed fire [*or match or (name explosive etc) or fluid or filth (give particulars)*] in [*or against*] (*give particulars of receptacle*).

### Section 187: Obstructing post office

Obstructed the business of (*name post or telegraph office*) [*or (name person) lawfully going to (name post or telegraph office)*] by stopping [*or loitering*] opposite to [*or on*] those premises.

**Section 188: Wilfully obstructing postal or ICT officer in execution of duty**

- (a) Wilfully obstructed (*name person*) employed by [*or under*] Post PNG Limited [*or an ICT licensee*] in the execution of the duties of their employment; or
- (b) Being in a post office [*or within any premises appertaining to, or used with, a post office or an ICT service*] wilfully obstructed the business of the office [*or premises*].

**Section 191: Violation of secrecy of ICT service**

Being employed by an ICT licensee published [*or communicated*] the contents [*or substance*] of a communication sent by an ICT service to (*name person*) a person to whom he/she was not authorised to deliver it.

**Section 192: Making unauthorised charges for use of telecommunications facility**

Being entitled under an agreement with the Minister for Communications and Information to use a facility, demanded [*or received*] (*give particulars of payment or valuable consideration*) from (*name person*) for the use of that facility.

**Section 193: Obstructing a postal officer**

Wilfully—

- (a) obstructed [*or delayed*] (*name person*) duly authorised by the Board of Post PNG Limited to enter a post office (*name post office*) [*or took possession of (give particulars of things)*] which belongs [*or appertains*] to Post PNG Limited; or
- (b) interfered with (*name person (etc as in paragraph (a))*) and who was in the post office [*or on premises where the post office is situated*] for a reasonable time for the purpose of taking possession of it.

**Section 194: Resisting authority of postal officer**

Resisted (*name person*) employed by [*or under*] Post PNG Limited [*or an ICT licensee*] who was engaged in the execution of their duty under the laws relating to posts and telecommunications.

**Section 195: False declaration as to execution of sentence of death**

Subscribed a certificate [*or declaration*] as to the execution of sentence of death upon (*name person and particulars of execution*) which was to his/her knowledge false in a material particular in that it stated (*state falsity*) and the truth was (*state it*).

**Section 196: Knowingly making false statement under oath**

Made a statement concerning a matter on an occasion on which a person making such a statement was required by law to make it on oath [*or under some sanction that may by law be substituted for an oath*] [*or was required to verify by solemn declaration or affirmation*], that was to his/her knowledge false in a material particular, and verified it on oath [*or under such other sanction or by solemn declaration or affirmation*].

## Schedule 1, s 197

### Section 197: Knowingly making a false statement before authorised person

Made a statement [*or declaration*] on an occasion on which they were permitted [*or required*] by law to make a statement [*or declaration*] before a person authorised by law to permit it to be made before them, that was to their knowledge false in a material particular.

### Section 198: Shooting at Customs boats or officers

- (a) Shot at a vessel which was then in use by (*name person*) an officer of Customs engaged in the execution of their duty as such an officer; or
- (b) Shot at [*or wounded or caused grievous bodily harm*] to (*name person*) an officer of Customs engaged in the execution of their duty in the prevention of smuggling [*or a person (name person) acting in aid of an officer of Customs engaged in the execution of their duty in the prevention of smuggling*].

### Section 199: Violently resisting officers engaged in prevention of smuggling

Assaulted [*or obstructed or resisted*] with violence (*name person*):

- (a) an officer of Customs [*or a person duly employed for the prevention of smuggling*] engaged in the execution of their duty in the prevention of smuggling; or
- (b) a person acting in aid of an officer of Customs [*or a person duly employed for the prevention of smuggling*] while being engaged in the execution of their duty in the prevention of smuggling.

### Section 200: Assaulting or obstructing Customs officer

- (a) Assaulted [*or obstructed*]—
  - (i) (*name person*) an officer of Customs [*or a person duly employed for the prevention of smuggling*] engaged in—
    - (A) the execution of his/her duty under laws relating to Customs; or
    - (B) the seizure of goods liable to forfeiture under laws relating to Customs; or
  - (ii) (*name person*) acting in aid of an officer (*etc as in subparagraph (i)*); or
- (b) Rescued [*or attempted to rescue*] (*name goods*) seized as liable to forfeiture under laws relating to Customs; or
- (c) Before [*or at or after*] the seizure of (*name goods*) seized as liable to forfeiture under laws relating to Customs staved [*or broke or destroyed or attempted to stave etc*] these goods with intent to prevent their seizure [*or securing*].

### Section 201: Obstructing or resisting public officers

Obstructed [*or resisted*]—

- (a) (*name person*) a public officer engaged in the discharge [*or attempted discharge*] of their duties as (*give particulars*) under the (*state law*); or
- (b) (*name person*) engaged in the discharge [*or attempted discharge*] of their duty as (*give particulars*) under the (*state law*).

**Section 202: Unlawful refusal by public officer to perform duty**

Being employed in the Public Service [*or as an officer of the (specify) court or tribunal*] perversely and without lawful excuse omitted [*or refused*] to do an act that is their duty to do by virtue of their employment (*state duty*).

**Section 203: Neglect of police officers to suppress riot**

Being a member of the Police Force and having notice that there was a riot in their neighbourhood without reasonable excuse omitted to do their duty in suppressing it.

**Section 204: Neglect to aid in suppressing riot**

Having had reasonable notice that they were required to assist (*name person*), a member of the Police Force, in suppressing a riot, without reasonable excuse omitted to assist them.

**Section 205: Neglect to aid in arresting offenders**

Having had reasonable notice that they were required to assist (*name person*), a commissioned officer of the Police Force, to arrest (*name person*) [*or in preserving the peace*] without reasonable excuse omitted to assist them.

**Section 206: Disobedience to lawful order issued by court or authorised person**

Without lawful excuse disobeyed a lawful order issued by (*name court*) [*or by (name person) authorised by law to make an order*] whereby it was ordered (*state particulars of order*), in that he/she (*set out the manner of the commission or omission of the disobedience*).

**Section 206D: People smuggling**

- (a) Intentionally facilitated the unlawful entry of another person (*name the person*) into a country (*name the country*), in order to obtain a benefit (*describe the benefit*); or
- (b) Facilitated the unlawful entry of another person into any country (*name the country*), in order to obtain a benefit, knowing [*or being reckless as to the fact that*] the person's entry is unlawful; or
- (c) Facilitated the unlawful presence of another person in a country (*name the country*) with the intention [*or knowledge or reckless disregard*] of enabling people smuggling.

And (*add circumstances of aggravation if applicable*):

- the offence was committed in relation to an unaccompanied person; and/or
- the offender subjected the person to cruel [*or inhuman or degrading*] treatment [*or exploitation*] or circumstances that resulted in [*or were likely to result in*] grievous bodily harm or serious psychological or psychiatric damage, or harm; and/or
- the offender subjected the person to circumstances that resulted in [*or were likely to result in*] the death of that person.

## Schedule 1, s 206E

### Section 206E: Falsifying travel and identity documents

For the purpose of committing a crime set out in s 206D of the Code (*specify the crime*) made [*or uttered or obtained or gave or sold or possessed*] a fraudulent travel [*or identity or approval to travel or approval to stay*] document.

### Section 207: Offering violence to officiating ministers of religion

- (a) By threats [*or force*]—
  - (i) prevented [*or attempted to prevent*] (*name person*), a minister of religion, from lawfully officiating in a place of religious worship [*or from performing their duty in the lawful burial of the dead in a cemetery or burial place*]; or
  - (ii) obstructed [*or attempted to obstruct*] (*name person*), a minister of religion, while they were lawfully officiating in a place of religious worship [*or while they were performing their duty in the lawful burial of the dead in a cemetery or burial place*]; or
- (b) Assaulted [*or arrested*], under the pretence of executing civil process (*name person*), a minister of religion—
  - (i) who was then engaged [*or, to their knowledge, about to engage*] in lawfully officiating in a place of religious worship [*or in performing their duty in the lawful burial of the dead in a cemetery or burial place*]; or
  - (ii) who was to their knowledge, going to lawfully officiate in a place of religious worship [*or going to perform their duty, (as above) or returning from lawfully officiating, (as above) or returning from performing his/her/their duty, (as above)*].

### Section 208: Disturbing religious worship

Wilfully and without lawful justification or excuse—

- (a) disquieted [*or disturbed*] a meeting of persons lawfully assembled for religious worship; or
- (b) assaulted (*name person*), while they were lawfully officiating at [*or while assembled at*] a meeting of persons lawfully assembled for religious worship.

### Section 208C: Human trafficking with intention to exploit

Recruited [*or transported or transferred or concealed or harboured or received*] (*name person/s*) by—

- (a) threat; or
- (b) use of force [*or other forms of coercion*]; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs [*or intoxicating liquors*]; or
- (g) the abuse of office; or
- (h) the abuse of a relationship of trust [*or authority or dependency*]; or
- (i) the abuse of a position of vulnerability; or
- (j) the giving [*or receiving*] of payments [*or benefits*] to achieve the consent of a person having control over another person,

with the intention that that person would be subject to exploitation.

And (*if applicable*) in circumstances of aggravation in that that person was at the time of the offence under 18 years of age [*or that person was subject to circumstances that resulted in [or were likely to result in] the death of that person.*

### Section 208D: Human trafficking with knowledge of exploitation

Recruited [*or transported or transferred or concealed or harboured or received*] (*name person/s*) by—

- (a) threat; or
- (b) use of force [*or other forms of coercion*]; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs [*or intoxicating liquors*]; or
- (g) the abuse of office; or
- (h) the abuse of a relationship of trust [*or authority or dependency*]; or
- (i) the abuse of a position of vulnerability; or
- (j) the giving [*or receiving*] of payments [*or benefits*] to achieve the consent of a person having control over another person,

knowing, having reasonable grounds to believe [*or being reckless as to the fact*] that that person will be subject to exploitation.

### Section 210: Sexual penetration against the order of nature

- (a) Sexually penetrated [*or attempted to sexually penetrate*] a person (*name person*) against the order of nature; or
- (b) Sexually penetrated [*or attempted to sexually penetrate*] an animal (*name animal*); or
- (c) Permitted [*or attempted to permit*] a male person (*name person*) to sexually penetrate him [*or her*] against the order of nature.

### Section 212: Indecent practice between males

Being a male person:

- (a) committed an act of gross indecency with another male person (*name person*); or
- (b) procured another male person (*name person*), to commit an act of gross indecency with him; or
- (c) attempted to procure a male person (*name person*), to commit an act of gross indecency with him [*or another male person (name person)*].

### Section 214: Householder permitting defilement of young girls on their premises

Being the owner [*or occupier, or then having (or acting in or assisting in) the management (or control)*] of premises at (*place*), induced [*or knowingly permitted*] (*name person*) a girl under the age of twelve [*or sixteen*] years, to resort to [*or to be in (or on)*] these premises for the purpose of being unlawfully carnally known by a man.

## Schedule 1, s 220

### Section 220: Abduction of girl under 18 with intent to have carnal knowledge

Took [or caused to be taken] (*name person*), an unmarried girl under the age of eighteen years out of the custody [or protection] of (*name person*), who then had the lawful care [or charge] of her, and against the will of this person, with intent that she might be unlawfully carnally known by a man.

### Section 221: Unlawful detention with intent to defile

- (a) Detained a woman [or girl] (*name person*) against her will in [or on] premises for the purpose of her being unlawfully carnally known by a man; or
- (b) Detained a woman [or girl] (*name person*) against her will in a brothel.

### Section 222: Conspiracy to defile

Conspired with another person (*name person*) to induce a woman [or girl] (*name person*), by falsely pretending to her that (*state nature of false pretence*) [or by fraudulent means (*state fraud*)], to permit a man (*name man*) to have unlawful carnal knowledge of her.

### Section 223: Incest

Engaged in an act of sexual penetration with (*name person*) who was their close blood relative, in that they were a [parent or son or daughter or sibling or a grandparent or grandchild or aunt or uncle or niece or nephew or first-cousin], being such a family member from birth and not from marriage or adoption.

### Section 225: Attempt to procure miscarriage

- (1) Unlawfully administered poison [or noxious thing], (*name it*), to (*name person*) [or unlawfully caused (*name person*) to take poison [or etc, as above] or unlawfully used force [or means] (*describe force or means*)] to (*name person*), with intent thereby then to procure her miscarriage.
- (2) Unlawfully administered to herself poison [or noxious thing] (*describe it*) [or unlawfully used force [or means] (*describe force or means*) to herself], with intent thereby to procure her own miscarriage.

### Section 226: Supplying drugs or instruments to procure miscarriage

Unlawfully supplied to [or procured for] (*name person*) (*describe thing*) which was knowing that it was intended to be unlawfully used to procure the miscarriage of (*name person*).

### Section 227: Indecent acts

- (a) Wilfully and without excuse did an indecent act (*describe act*) in a place to which the public were permitted to have access; or
- (b) Wilfully did an indecent act (*describe act*) with intent to insult [or offend] a person (*name person*) [or by which a person (*name person*) was reasonably insulted (or offended)].

### Section 228: Selling etc indecent objects etc

Knowingly and without lawful justification or excuse—

- (a) publicly sold [or exposed for sale] (*describe object*) of such a nature as to tend to corrupt public morals; or

- (b) exposed to view in a place to which the public were permitted access (*describe object*) of such a nature as to tend to corrupt public morals; or
- (c) publicly exhibited an indecent show [*or performance*]; or
- (d) produced [*or has in his/her possession*] an obscene (*state and describe object*) for the purposes of [*or by way of*] trade, etc; or
- (e) imported (*etc as in paragraph (d)*); or
- (f) carried on [*or took part in a business concerned with obscene matters [or things] (describe) [or dealt in, distributed, exhibited publicly or made a business of lending any obscene matter or thing]*]; or
- (g) advertised [*or made known*] that (*name person*) was engaged in (*describe*) [*or how or from whom*] obscene matter [*or thing*] (*describe*) can be procured.

### Section 229A: Child sexual penetration

Engaged in an act of sexual penetration with (*name of complainant*), a child under the age of 16 years, being aged at that time (*state age of child in years*), in that:

- he introduced his penis into the vagina [*or anus or mouth*] of that child; or
- he/she introduced an object (*describe object*) [*or a part of his or her body (other than the penis), (describe part of body)*] into the vagina [*or anus*] of that child, other than in the course of a procedure carried out in good faith for medical or hygienic purposes; or
- that child introduced his penis into the vagina [*or anus or mouth*] of the accused;
- that child introduced an object (*describe object*) [*or a part of his or her body (other than the penis), (describe part of body)*] into the vagina [*or anus*] of the accused, other than in the course of a procedure carried out in good faith for medical or hygienic purposes; AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that:

at the time of the offence, there was an existing relationship of trust [*or authority or dependency*] between the accused and that child in that:

- (a) the accused was a parent [*or step-parent, adoptive parent or guardian*] of the child; or
- (b) the accused had care or custody of the child; or
- (c) the accused was the child's grandparent [*or aunt, uncle, sibling or step-sibling or first-cousin*]; or
- (d) the accused was a schoolteacher and the child was their pupil; or
- (e) the accused was a religious instructor to the child; or
- (f) the accused was a counsellor or youth worker acting in their professional capacity; or
- (g) the accused was a health care professional and the child was their patient; or
- (h) the accused was a police officer [*or prison officer*] and the child was in their care and control.

### Section 229B: Sexual touching of child

For sexual purposes:

- touched with a part of his/her body (*describe part of body*) the sexual parts (*describe sexual parts, eg, genital area, groin, buttocks, breasts*) of (*name of complainant*), a child under the age of 16 years, being aged at that time (*state age of child in years*); or

## **Schedule 1, s 229C**

- compelled (*name of complainant*), a child under the age of 16 years, being aged at that time (*state age of child in years*) to touch with a part of that child's body (*describe part of body*) the sexual parts (*describe sexual parts, eg, genital area, groin, buttocks, breasts*) of the accused's own body; AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that: (*state as per s 229A of the Code*)

### **Section 229C: Indecent act directed at child**

Committed an indecent act directed at (*name of complainant*), a child under the age of 16 years, being aged at that time (*state age of child in years*), in that:

- he/she (*describe indecent act*); AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that: (*state as per s 229A of the Code*)

### **Section 229D: Persistent sexual abuse of a child**

On two or more occasions engaged in conduct amounting to an offence against Division IV.2A (*sexual offences against children*) of the *Criminal Code* with (*name person*), the times and conduct being specified in the Schedule.

*Schedule*

Dates or period

Nature of Conduct

### **Section 229E: Abuse of trust by sexual acts with child**

Engaged in an act of [sexual penetration] (*or*) [sexual touching] with (*name person*) in that (*describe act of sexual penetration or sexual touching*) a child between the ages of 16 and 18 years with whom (*name the accused*) had an existing relationship of trust [*or* authority or dependency], in that (*describe relationship*).

### **Section 229K: Obtaining services of child prostitute**

- (a) Participated as a client [*or* was involved with] (*name person*) a child (*being aged ... years*) in an act of child prostitution; *or*
- (b) Invited [*or* persuaded *or* induced] (*name person*) a child, to engage in child prostitution with [*themselves or* any other person, (*name the other person*)].

### **Section 229L: Offering or engaging child for prostitution**

Intentionally offered [*or* engaged a child (*name child, being aged ... years*), for the purposes of child prostitution.

### **Section 229M: Facilitating or allowing child prostitution**

Being the parent [*or* guardian or person with care or custody] of (*name child, being aged ... years*) knowingly allowed [*or* facilitated] the engagement of that child in an act of child prostitution.

**Section 229N: Receiving a benefit from child prostitution**

Knowingly received a [financial [or other] reward (*describe reward*) [or favour or compensation] from child prostitution.

**Section 229O: Permitting premises to be used for child prostitution**

Being an owner [or a lessor or manager or tenant or occupier] of property being (*describe property*)—

- (a) knowingly allowed child prostitution to take place on that property; or
- (b) within a reasonable time of gaining information that an act of child prostitution had taken place on that property, failed to report such occurrence to the police.

**Section 229R: Use of child for pornographic purposes**

- (a) used [or caused to be used or procured to be used] (*name child*), a child, for the production of child pornography; or
- (b) causes [or procured] a child to be used for the production of child pornography; or
- (c) having the care or custody of (*name child*), a child, consented to [or allowed] the child being used for the production of child pornography.

**Section 229S: Producing or distributing child pornography**

- (a) Knowingly produced [or distributed or printed or published] child pornography; or
- (b) Knowingly imported [or exported or sold or showed] child pornography; or
- (c) Knowingly possessed child pornography for the purpose of distributing [or publishing or exporting or selling or showing it.

**Section 229T: Possession of child pornography**

Knowingly possessed child pornography.

**Section 230: Committing a common nuisance**

Without lawful justification or excuse did [or omitted to do] an act (*describe act or omission*) with respect to any property under their control, by which act or omission:

- (a) danger is caused to the lives [or safety or health] of the public; or
- (b) danger is caused to the property or comfort of the public [or the public were obstructed in the exercise or enjoyment of any right common to all inhabitants of Papua New Guinea (*describe the right*)] and injury was caused to the person of some person (*describe the person*).

**Section 231: Keeping a place for purposes of prostitution**

Kept a house [or room or set of rooms etc] for the purpose of prostitution.

## Schedule 1, s 236

### Section 236: Misconduct with regard to corpses

Without lawful justification or excuse—

- (a) having a duty imposed on them by law [*or* undertaking by them] concerning the burial or other disposition of a human body or human remains, in that they were obliged (*describe duty*), they neglected to perform that duty; or
- (b) improperly [*or* indecently] interfered with [*or* offered an indignity to] a dead human body [*or* human remains] by (*describe act*).

### Section 237: Giving false information as to health on foreign ships

Being the master [*or* medical officer] of (*name ship*) then arrived from overseas—

- (a) neglected [*or* refused] to give to (*name person*) an officer employed in the Public Service information which he/she was required by law to give to that officer with respect to (*state information*); or
- (b) gave information to (*name person*) an officer employed in the Public Service which he/she was required by law to give that officer with respect to (*state information*) which was false in that (*state falsity*) the truth being (*state it*) as he/she then well knew.

### Section 238: Exposing for sale things unfit for food

- (a) Knowingly exposed (*describe*) for sale for the food of man an article (*describe the article*) that they knew to be unfit for the food of man; or
- (b) Had in their possession (*describe*) with intent to sell it for the food of man, an article (*describe the article*) that they knew to be unfit for the food of man.

### Section 239: Dealing in diseased meat

- (a) Knowingly took into a slaughter-house used for the slaughter of animals intended for the food of man the whole [*or* part of] (*specify animal carcass*) that had died of disease; or
- (b) Knowingly sold [*or* exposed for sale] the whole [*or* part of] the carcass of an animal (*specify animal carcass*) that had died of a disease [*or* that was diseased when slaughtered], and which was not authorised by the *Slaughtering Act 1964*.

### Section 240: Adulterating liquor

- (a) Put [*or* mixed] a deleterious [*or* poisonous] substance (*name it*), into spirituous [*or* fermented] liquor, (*name liquor*) [*or* mixes any such substance with any such liquor]; or
- (b) Sold [*or* otherwise disposed of (*describe its disposition*)] [*or* kept for sale] spirituous [*or* fermented] liquor, (*name liquor*), into [*or* with] which a deleterious [*or* poisonous substance] (*name it*) had been put [*or* mixed].

### Section 241: Dealing with land fraudulently acquired from the State

Bought [*or* took a lease (*describe*)] from (*name person*) of land [*or* an estate in land] (*describe sufficiently to identify it*) which had then been acquired by that person by means of a fraudulent evasion of the provisions of (*state law*) by (*briefly describe the fraud*), with knowledge that this land had been acquired by such fraudulent evasion.

**Section 242: Fraudulent destruction or removal of goods liable to duty**

Fraudulently destroyed [*or took from their lawful place of deposit or detention (detail place of detention)*] goods (*give particulars*) which were liable to the payment of duty and which were then in this lawful place of deposit [*or detention*] for the purpose of securing payment of duty.

**Section 299: Wilful murder**

Wilfully murdered (*name of deceased*).

**Section 299A: Wilful murder on account of accusation of sorcery**

Intentionally killed (*name of deceased*) on account of an accusation that he/she was practising sorcery.

**Section 300: Murder**

Murdered (*name of deceased*).

**Section 301: Infanticide**

Being a woman, by a wilful act [*or omission*] (*state act or omission*) caused the death of (*name child*) who was her child then aged less than 12 months (*state*) and at this time the balance of her mind was disturbed by reason of not having fully recovered from the effect of giving birth to the child [*or by reason of the effect of lactation consequent on the birth of the child*].

**Section 302: Manslaughter**

Unlawfully killed (*name of deceased*).

**Section 304: Attempted murder etc**

- (a) Attempted unlawfully to kill (*name person*); or
- (b) With intent unlawfully to kill (*name person*) did an act [*or omitted to do an act that was their duty then to do*], and such act [*or omission*] was of such a nature as to be likely to endanger human life.

**Section 305: Accessory after the fact to murder**

Knowing that (*name person*) had on the (*name date and place*) wilfully murdered [*or murdered*] (*name person*) received [*or assisted*] them in order to enable them to escape punishment.

**Section 306: Threatening to kill**

Caused (*name person*) to receive a writing (*give particulars of writing*) threatening to kill a person (*name person*), while knowing the contents of this writing.

**Section 307: Conspiring to kill**

Conspired with another person (*name person*) to kill (*name person*).

## Schedule 1, s 308

### Section 308: Inciting unlawful killing

- (a) Incited [*or encouraged or urged or counselled or commanded*] (*name person*) to unlawfully kill another person (*name person*); or
- (b) Did [*or omitted to do*] an act (*state act*) for the purpose of facilitating [*or enabling or assisting*] the unlawful killing of another person (*name person*).

### Section 309: Failure to report killing or intended killing

Knowing that a person (*name person*)—

- (a) intended to kill [*or expressed an intention to kill*] another person (*name person*) and had taken active steps (*state steps taken by accused*) to put this intention into effect; or
- (b) had incited etc [*or omitted to do etc*] (*state particulars in terms of s 308*); or
- (c) had killed a person (*name person*),

failed to take reasonable steps to report the matter to a magistrate [*or a member of the Police Force or some other person in authority*] (*state relevant authority*) as soon as practicable.

### Section 310: Aiding suicide

- (a) Procured a person (*name person*) to kill themselves; or
- (b) Counselling another person (*name person*) to kill themselves and induced them to do so; or
- (c) Aided another person (*name person*) in killing themselves.

### Section 311: Attempting to commit suicide

Attempted to kill themselves.

### Section 312: Killing unborn child

Unlawfully prevented a child from being born alive, when a woman (*name woman, which might be the accused or another person*) was about to be delivered of that child.

### Section 313: Concealing the birth of a child

Endeavoured, by secret disposition of the dead body of a child of which a woman (*name the woman*) had then lately been delivered, to conceal the birth of that child.

### Section 313A: Genocide

- (a) Committed genocide in that he/she, with intent to destroy in whole [*or in part*] a national [*or ethnical or racial or religious*] group, viz (*describe group*) group, killed members of that group [*or caused serious bodily or mental harm to members of that group or deliberately inflicted on that group conditions of life calculated to bring about its destruction in whole or in part or imposed measures intended to prevent births within that group or forcibly transferred children of that group to another group*]
- (b) Conspired to commit genocide in that he/she with (*name person*) conspired to kill (*etc as in paragraph (a)*); or

- (c) Incited another person (*name person*) to commit genocide in that he/she incited that person to kill (*etc as in paragraph (a)*); or
- (d) Attempted to commit genocide in that he/she attempted to kill (*etc as in paragraph (a)*); or
- (e) Took part in the commission of genocide in that he/she took part in killing (*etc as in paragraph (a)*) by doing or omitting to do the following acts: (*describe how the accused took part in genocide*).

### Section 314: Disabling or stupefying in order to commit indictable offence

- (1) By means calculated to choke [*or suffocate or strangle*] by (*give particulars*) with intent to—
  - (a) facilitate the commission of the indictable offence of (*state offence*); or
  - (b) facilitate the flight of (*name person*) after the commission [*or attempted commission*] by him of the indictable offence of (*state offence*),
 made [*or attempted to make*] (*name person*) incapable of resistance.
- (2) Administered [*or attempted to administer*] (*name drug*) to (*name person*) with intent to (*as in paragraph (1)(a) or (b)*).

### Section 315: Unlawfully doing grievous bodily harm with intent

With intent to maim [*or disfigure or disable*] a person (*name person*) [*or to do some grievous bodily harm to any person to resist or prevent the lawful arrest or detention of any person*] unlawfully wounded [*or did grievous bodily harm*] to a person (*name person*) [*or unlawfully attempted to strike a person with a projectile or unlawfully caused an explosive substance to explode or sent or delivered an explosive substance or other dangerous or noxious thing to a person or caused an explosive substance or dangerous or noxious thing to be taken or received by a person or put a corrosive fluid or destructive or explosive substance in any place or unlawfully cast or threw a corrosive fluid or explosive substance at or on a person or applied a corrosive fluid or explosive substance to the person of a person*].

### Section 316: Taking or sending dangerous goods on aircraft

- (a) Carried [*or placed*] dangerous goods (*give particulars*) on board an aircraft (*give particulars*); or
- (b) Delivered dangerous goods (*give particulars*) to (*name person*) for the purpose of placing these goods on board an aircraft (*give particulars*); or
- (c) Had dangerous goods (*give particulars*) in their possession on board an aircraft (*give particulars*).

### Section 317: Endangering safety of persons travelling by aircraft

With intent to injure [*or to endanger the safety of*] (*name or describe person(s)*) whilst on board an aircraft—

- (a) dealt with the aircraft [*or (state thing) on or near the aircraft*] [*or a thing (state thing) connected with guidance or operation of the aircraft*] in that he/she (*state the act or omission*), in such a manner as to affect [*or endanger or be likely to affect or endanger*] the free and safe use of the aircraft [*or the safety of this person*]; or
- (b) omitted to carry out their duty (*state duty*) and caused the safety of that/those person(s) to be endangered.

### Section 318: Preventing escape from wreck

- (a) Unlawfully prevented [*or obstructed*] a person, (*name person*), then on board [*or then escaping from*] a vessel in distress [*or a wrecked vessel or a vessel cast ashore*] in their endeavours to save their life; or

## Schedule 1, s 319

- (b) Unlawfully obstructed (*name person*) in their endeavours to save the life of another person, (*name person*), then on board [*or then escaping from a vessel in distress or a wrecked vessel or a vessel cast ashore*].

### Section 319: Grievous bodily harm

Unlawfully did grievous bodily harm to (*name person*).

### Section 320: Attempting to injure by explosive substances

Unlawfully put an explosive substance (*describe it*) in place (*name place*) with intent then to do bodily harm to another/other person(s) (*name person(s)*).

### Section 321: Maliciously administering poison with intent to harm

Unlawfully and with intent to injure [*or annoy*] a person (*name person*) caused poison [*or a noxious thing*] (*give particulars*) to be administered to [*or taken by*] them and by doing so—

- (a) endangered their life; or  
(b) caused them grievous bodily harm.

### Section 322: Unlawful wounding

- (a) Unlawfully wounded (*name person*); or  
(b) Unlawfully and with intent to injure [*or annoy*] (*name person*) caused poison [*or a noxious thing*] (*give particulars*), to be administered [*or taken*] by them.

### Section 323: Failure to supply necessaries of life

Being charged with the duty of providing the necessaries of life for a person (*name person*), without lawful excuse failed to do so and their life was [*or was likely to be*] endangered [*or their health was or was likely to be permanently injured*].

### Section 324: Endangering life or health of apprentices or servants

As a master, being charged with the duty of providing necessary food [*or clothing or lodging*] for (*name person*) a servant [*or an apprentice*] under the age of 16 years—

- (a) unlawfully failed to provide such food [*or clothing or lodging*]; or  
(b) did bodily harm to them [*or caused bodily harm to be done to them*] and whose life was [*or was likely to be*] endangered [*or whose health was or was likely to be permanently injured*].

### Section 325: Endangering life of children by exposure

Unlawfully abandoned or exposed (*name person*), a child under the age of two years, so that the life of that child was [*or was likely to be*] endangered [*or the health of that child was likely to be permanently injured*].

### Section 326: Setting man-trap

Set [*or placed*] [*or caused to be so or placed*] a spring-gun [*or man-trap or other contrivance*] calculated

to destroy human life [*or to inflict grievous bodily harm*] in any place with the intent that it may kill [*or inflict grievous bodily harm*] on a trespasser [*or other person coming in contact with it*] [*or in such a manner that it is likely to cause death or grievous bodily harm etc*]

### Section 327: Negligent act causing harm to another person

Unlawfully did [*or omitted*] to do any act that it was their duty to do (*state act or omission*), by which act [*or omission*] bodily harm was actually caused to (*name person*).

### Section 328: Dangerous driving causing grievous bodily harm or death

Drove a motor vehicle on a road [*or in a public place*] (*give particulars*) dangerously [*and (if applicable)*] thereby caused the death of [*or grievous bodily harm to*] a person, (*name person*).

### Section 331: Sending or taking unseaworthy ship to sea

- (a) Sent [*or attempted to send*] the ship (*name it*) to sea in such an unseaworthy state that the lives of persons on board that ship were likely to be endangered; or
- (b) Being the master of the ship (*name it*), knowingly took [*or attempted to take*] the ship to sea in such an unseaworthy state that the lives of the persons on board that ship were likely to be endangered.

### Section 332: Endangering a ship by tampering with machinery

- (1) Then having actual control over the steam vessel (*name it*) [*or over part of the machinery of the steam vessel (name it)*] did an act [*or omitted to do or was privy to an act or omission*] (*state act or omission*) by which to their knowledge the safety of persons on board that vessel was endangered [*or likely to be endangered*].
- (2) Being the engineer [*or one of the engineers*] in charge of the machinery on the steam vessel (*name it*) when (*name person*) did an act [*or omitted to do or was privy to an act or omission*] (*state act or omission*) by which to their knowledge the safety of persons on board that vessel was endangered [*or likely to be endangered*].

### Section 333: Evading laws as to equipment of ships

- (a) Then having actual control over the vessel (*name it*), which had (*name article*) placed on board with their knowledge [*or consent*], in order to obtain permission [*or authority*] for the vessel to leave (*name port*), removed [*or allowed the removal of*] this article from ship after such permission [*or authority*] had been so obtained; or
- (b) Knowingly sent by a vessel (*name it*) [*or knowingly carried in the vessel (name it)*] an explosive substance (*name it*) [*or an acid or a thing of a dangerous or destructive nature*] (*name it*), under a false description [*with a false description of the sender*].

### Section 334: Failure to perform duty to land explosives

- (a) Being charged by law with the duty of (*state duty in relation to landing etc of explosives, etc*) and being then about to land or deliver from the vessel (*name it*) explosives [*or an acid or other thing of a dangerous nature*] (*name it*) failed to perform that duty; or
- (b) Being concerned in the landing of explosives [*or an acid or other thing of a dangerous nature*] (*name it*) from the vessel (*name it*) violated the provisions of (*state law*) in that (*state violation*).

## Schedule 1, s 335

### Section 335: Common assault

Unlawfully assaulted (*name person*).

### Section 336: Assault with intent to commit unnatural offence

Assaulted a person (*name person*), with intent to have carnal knowledge of them against the order of nature.

### Section 337: Indecent assault on male

Unlawfully and indecently assaulted a male person (*name person*).

### Section 338: Assault on persons protecting wreck

Unlawfully assaulted (*name person*) and used actual violence to a person (*name person*) then acting in the execution of their duty in [*or concerning*] the preservation of a vessel in distress [*or a vessel or goods wrecked or stranded or cast on shore or lying under water*].

### Section 339: Assault of member of aircraft crew

Whilst on board an aircraft—

- (a) assaulted (*name person*), a member of the crew of the aircraft; or
- (b) threatened (*name person*) a member of the crew of the aircraft with violence [*or injury or detriment to be caused to them or to (name person)*],

with intent to—

- (c) affect the performance of their functions [*or duties*] as a member of the crew in the operation of the aircraft; or
- (d) lessen their ability to perform their functions [*or duties*] as a member of the crew in the operation of the aircraft.

### Section 340: Assault occasioning bodily harm

Unlawfully assaulted (*name person*) and by doing so caused them bodily harm.

### Section 341: Serious assault

- (a) Assaulted (*name person*), with intent to—
  - (i) Commit a crime (*state the crime intended*); or
  - (ii) resist [*or to prevent*] the lawful arrest [*or detention*] of themselves or of (*name person*); or
- (b) Assaulted [*or resisted or wilfully obstructed*] (*name person*)—
  - (i) in the execution of their duty as a police officer in (*state duty being performed*); or
  - (ii) then acting in aid of (*name person*) a police officer, while acting in execution of his/her duty; or
- (c) Unlawfully assaulted [*or resisted or obstructed*] (*name person*), while they were engaged in the lawful execution of process of a court (*name Court*) against property [*or in making a lawful distress*]; or

- (d) Assaulted [*or resisted or obstructed*] (*name person*), while they were engaged in the lawful execution of process of a court (*name Court*) against property [*or engaged in making a lawful distress*], with intent then to rescue property lawfully taken under such process [*or distress*]; or
- (e) Assaulted (*name person*) on account of them having in the execution of their duty as a (*state position*) done (*state particulars of act*); or
- (f) Assaulted (*name person*), in pursuance of an unlawful conspiracy respecting (*state conspiracy in terms of the section*).

### **Section 346: Assaults in interference with freedom of trade or work**

Assaulted a person (*name person*) with intent to hinder [*or prevent*] them from—

- (a) working at [*or exercising*] their lawful trade [*or business or occupation*]; or
- (b) buying [*or selling or otherwise dealing with*] property (*describe property*) intended for sale.

### **Section 347: Rape**

Sexually penetrated (*name person*) without their consent by (*state act of sexual penetration in terms of definition in s 6 of the Code*) [if applicable, in circumstances of aggravation, viz (*describe the circumstances of aggravation in terms of s 349A of the Code*)].

### **Section 347C: Aggravated rape**

Sexually penetrated the vagina [*or anus or other body part*] of another person (*name person*) with a body part [*or object or implement*] (*describe it*), without consent,

- (a) whilst armed with a dangerous weapon [*or offensive weapon or instrument*]; or
- (b) in company with one or more other persons; or
- (c) and caused grievous bodily harm to a person before [*or after or in the course of*] the offence; or
- (d) and the victim was a child under the age of 10 years, viz (*state age*).

### **Section 348: Attempted rape**

Attempted to commit rape upon (*name person*) by attempting, by (*describe acts*) to sexually penetrate the complainant without their consent.

### **Section 349: Sexual assault**

Touched with their body, the sexual parts (*describe part of body touched*) of a person (*name person*) [*or compelled a person (name complainant) to touch the sexual parts of their own body*] (*describe part of body touched*), without the consent of that person [in circumstances of aggravation, viz (*describe the circumstances of aggravation in terms of s 349A of the Code*)].

### **Section 349B: Procuring a sexual offence**

Hired [*or induced or conspired with another person (name the other person)*] to commit an offence under Division V.7 of the *Criminal Code*, viz (*insert the facts of an offence under Division V.7*).

## Schedule 1, s 350

### Section 350: Abduction of woman

- (a) Took away [or detained] a woman (*name woman*), against her will with intent to marry [or carnally know] her [or to cause her to be married or carnally be known by] (*name person*); or
- (b) Took away [or enticed away or detained] a woman under the age of 21 years (*name woman*), out of the custody [or protection] of her father [or mother or other person having the lawful care or charge of her] and against the will of the father [or mother or other person] from motives of gain and with an intent to marry [or carnally know] her [or to cause her to be married or carnally be known by] (*name person*) when that woman had an interest in property [or was a presumptive heiress or co-heiress or the presumptive next of kin or one of the presumptive next of kin to any person who has such an interest].

### Section 351: Abduction of girl under 16

Unlawfully took an unmarried girl under the age of 16 years out of the custody [or protection] of her father [or mother or other person having the lawful care or charge of her] and against the will of her father [or mother or other person].

### Section 353: Kidnapping

Forcibly took [or detained] another person (*name person*) with intent to compel that person to work for them against their will.

### Section 354: Kidnapping for ransom

- (a) Took [or enticed away or detained] a person (*name person*) by a demand containing threats of injury [or detriment] to them by the accused [or some other person (*name person*)] if the demand was not complied with, and with intent to extort [or gain] (*give particulars*) from (*name person*) or procure (*give particulars of act to be done or omitted*) by (*name person*); or
- (b) Received [or harboured] a person (*name person*) against whom a demand containing threats of injury [or detriment] to them had been made (*the accused*), knowing that they had been taken [or enticed, etc] away and with intent to extort [or gain] (*give particulars*) from (*name person*) or procure (*give particulars of act to be done or omitted*) by (*name person*); or
- (c) Attempted to commit the crime of kidnapping by attempting to take etc (*state as in paragraph (a)*) [or receive etc (*state as in paragraph (b)*)].

### Section 355: Unlawful deprivation of liberty

- (a) Unlawfully confined [or detained] a person (*name person*) in (*give particulars*) against their will; or
- (b) Unlawfully deprived (*name person*) of their personal liberty by (*give particulars*).

### Section 356: Giving a false certificate as to liberty of a person

- (a) Being required by law to give a certificate concerning a matter by which the liberty of a person (*name person*) may be affected gave such a certificate that was to their knowledge false in a material particular in that they certified that (*state falsity*) whereas the truth was (*state it*).
- (b) Gave a certificate concerning a matter by which the liberty of a person (*name person*) may be affected (*give particulars*) of (*name person*) and represented themselves to be a person authorised by law to give such a certificate, when they were not so authorised.

**Section 357: Concealment of matters affecting liberty**

- (a) Being (*state lawful position of person*) and being in that capacity required by law to keep a record concerning (*give particulars*) of (*name person*) then confined in (*give particulars*)—
- (i) refused [*or neglected*] to keep such record; or
  - (ii) made in such record an entry which was false on a material particular in that (*the accused*) entered (*state falsity*) whereas the truth was (*state it*) as they then well knew; or
- (b) being (*state lawful position of person*) and being in that capacity required by law to give information to (*name person and position*) concerning (*give particulars*) of (*name person*) then confined in (*give particulars*) [*or to show (name person and position) (give particulars) concerning (name person) then confined in (give particulars)*]—
- (i) refused [*or neglected*] to give such information [*or to show etc*]; or
  - (ii) gave to (*name person and position*) information concerning (*give particulars*) of (*name person*) which was false in a material particular in that he/she informed (*name person*) that (*state falsity*) whereas the truth was (*state it*), as they then well knew.

**Section 358: Unlawful custody of person of unsound mind**

Detained [*or assumed the custody*] of a person of unsound mind (*name person*) contrary to the provisions of laws relating to such a person (*state law*), in that he/she detained the person (*state how and when and where the law was breached*).

**Section 359: Threatening to injure another person**

Threatened to injure [*or cause detriment to*] a person (*name person*) with intent to—

- (a) prevent [*or hinder*] that person from doing an act that they were lawfully entitled to do (*give particulars of act*); or
- (b) compel that person to do an act that they are lawfully entitled to abstain from doing (*give particulars of act*).

**Section 360: Bigamy**

Being then married to (*name person*) went through a form [*or ceremony*] of marriage with another person (*name person*); or

Went through a form [*or ceremony*] of marriage with a person (*name person*) who was married, knowing [*or having reasonable grounds to believe*] that that person was already married.

**Section 361: Child-stealing**

- (a) forcibly [*or fraudulently*] took [*or enticed*] away [*or detained*] (*name person*) a child under the age of 14 years with intent to deprive (*name person*) the parent [*or guardian or who then had the lawful care (or charge) of the child*] of the possession of the child [*or with intent to steal articles on or about the person of the child*]; or
- (b) received [*or harboured*] (*name person*) a child under the age of 14 years (*etc as in paragraph (a)*) then knowing that the child had been forcibly [*or fraudulently*] taken [*or enticed*] away [*or detained*] with this intent.

## Schedule 1, s 362

### Section 362: Child desertion

Being a parent of a child under the age of 14 years (*name child*) and being able to maintain that child, wilfully and without lawful or reasonable cause deserted the child and left the child without means of support.

### Section 362B: Unlawful publication of defamatory matter

Unlawfully published defamatory matter concerning another person (*name person*), in that they published by means of (*describe the method of publication*), statements that were defamatory of that person in that (*describe how the statements were defamatory in terms of the definition in s 362A of the Code*);

(*If applicable*) in circumstances of aggravation in that the accused published that defamatory material with knowledge that it was published; or

Published [*or threatened to publish or offered to prevent the publication of*] defamatory material concerning another person, (*name person*), with intent to extort from that person [*or any other person, (name person) [or to induce a person to give or confer or procure, or to attempt to procure, to, upon or for a person] property [or a benefit] (describe property or benefit)*].

### Section 372: Stealing

- (1) Stole (*give particulars*) the property of (*name person*).
  - (1A) Stole money exceeding K1 million the property of (*name person*).
  - (1B) Stole money exceeding K10 million the property of (*name person*).
- (2) Stole (*name testamentary instrument*) purporting to be the (*name testamentary instrument*) of (*name person*).
- (3) Stole (*give particulars*) the property of Post PNG Limited which was then in the course of transmission by post.
- (4) Stole an aircraft (*give particulars*) the property of (*name person or owner*).
- (5) Stole (*etc as in sub-rule(1)*)—
  - (a) from his/her person; or
  - (b) either—
    - (i) of or value in excess of [K10] from his/her dwelling house [*or from the dwelling house of (name person)*]; or
    - (ii) in a dwelling house, and (*the accused*) then and there used [*or threatened to use*] violence to (*name person*) then being in that dwelling house; or
  - (c) from (*give particulars*) a vessel [*or a vehicle or place of deposit*] then used for the conveyance [*or custody*] of goods in transit from one place to another; or
  - (d) from a vessel then in distress [*or wrecked or stranded*]; or
  - (e) and in order to steal it opened a locked room [*or box or receptacle*] (*give particulars*) by means of a key or (*give particulars*).
- (6) Being then employed in the Public Service, stole (*give particulars*)—
  - (a) the property of the State; or
  - (b) which had come into his/her possession by virtue of his/her employment.
- (7) Being a clerk [*or servant*] of (*name person*) stole (*give particulars*)—
  - (a) his/her property; or
  - (b) which had come into his/her possession on account of him.

- (8) Being a director [*or officer*] of (*name corporation*), stole (*give particulars*) the property of that corporation.
- (9) Stole (*as in sub-rule(1)*) (*and if appropriate*)—
- (a) which had then been received by them with a power of attorney for its disposition; or
  - (b) which money had then been received by them with a direction that it should be applied to (*give particulars*) [*or paid to (name person)*]; or
  - (c) being the proceeds [*or part of the proceeds*] of a valuable security which had been received by them with a direction that such proceeds should be applied to (*etc as in paragraph (b)*); or
  - (d) being the proceeds [*or part of the proceeds*] from the disposition of property which had been received by them by virtue of a power of attorney authorising him to make such disposition and which power of attorney had been received by them with a direction that these proceeds be so (*etc as in paragraph (b)*).
- (10) Stole K1,000.00 [*or (give particulars) of the value of K1,000.00*], the property of (*name person*).
- (11) Stole the property of (*name person*) which had been let to him to be used by them with a house [*or lodging*] and which was of the value of K100.00.
- (12) If applicable—
- (a) they had previously, on the (*give details of time, place and Court*) been convicted of (*set out previous conviction as in an indictment*); or
  - (b) they had previously, on the (*give details of time, place and Court*) been summarily convicted of (*set out two previous convictions as in information*).

### Section 373: Fraudulent concealment of a register

Concealed [*or took from its lawful place of deposit*] with intent to defraud—

- (a) a register then authorised [*or required*] by law to be kept—
  - (i) authenticating [*or recording*] the title to real property [*or personal property*]; or
  - (ii) for recording births [*or baptisms or marriages or deaths or burials*]; or
- (b) a copy of part of a Register then (*etc as in (a)*) which copy was required by law to be sent to a public officer (*name public officer*).

### Section 374: Fraudulent concealment of a will

Concealed a testamentary instrument (*describe testamentary instrument*) with intent to defraud.

### Section 375: Fraudulent concealment of a land title

Concealed, with intent to defraud the whole [*or part*] of a document which was evidence of the title of (*name person*) to land at (*place*)

### Section 376: Killing an animal with intent to steal

Killed a (*name animal*) with intent to steal [*part of*] the skin [*or carcass*] of it.

### Section 377: Severing property with intent to steal

Made movable a (*give particulars of thing*) the property of (*name person*) with intent to steal it.

## Schedule 1, s 378

### Section 378: Using a registered brand with criminal intent

Branded [or marked] (*name animal*) with the registered brand [or mark] of (*name owner of brand*) with intent then to facilitate the commission of a crime.

### Section 379: Fraudulently dealing with minerals in mines

Took [or concealed or sold] ore [or metal] (*give particulars of ore/metal*) in [or about] a mine, the property of (*name owner*) with intent to defraud a person (*name person*).

### Section 380: Bringing stolen goods into Papua New Guinea

Having at (*name, place and country*) obtained (*name property*) by such means that if obtained in Papua New Guinea by the same means they would have been guilty of stealing it, brought it into [or had it in their possession in] Papua New Guinea, and the obtaining of it by these means was an offence under the laws in force in that country.

### Section 381: Fraudulent disposition of mortgaged goods

Being the mortgagor of goods (*name goods*) which were then mortgaged to (*name mortgagee*), removed [or disposed of] those goods with intent to defraud, without the consent of the mortgagee.

### Section 382: Fraudulent abstraction of power

Fraudulently abstracted [or diverted] to their own use [or to the use of (*name person*)] mechanical [or illuminating or electrical] power from a machine [or apparatus or substance] the property of another person (*name owner*).

### Section 383: Unlawful use of motor vehicle

Unlawfully used a motor vehicle [or aircraft] (*give particulars*) the property of (*name person*) without their consent [or without the consent of (*name person*) in lawful possession of it].

### Section 383A: Misappropriation

Dishonestly applied to their own use [or to the use of (*name person*)] property (*particulars of property*) belonging to (*name person*) [or property (*particulars of property*) in their possession or control] subject to a trust [or direction or on account of (*name person*)];

[if applicable] AND:

- they were a director of a company and the property dishonestly applied was company property; or
- they were an employee and the property dishonestly applied was the property of their employer.

### Section 386: Robbery

Committed robbery in that they stole from (*name the complainant, and describe the thing stolen*) and at [or immediately before or immediately after] the time of stealing it, used [or threatened to use] actual violence to any person [or property] in order to obtain the thing stolen [or to prevent or overcome resistance to its being stolen]

[if applicable] in circumstances of aggravation in that they:

- were armed with a dangerous [or offensive] weapon [or instrument]; or
- were in company with one [or more] other person[s]; or
- at [or immediately before or immediately after] the time of the robbery, wounded [or used other personal violence to] a person (*describe the person and how they were wounded or personally violated*).

**Section 387: Attempted robbery accompanied by wounding, or in company**

- (1) Assaulted (*name person*) with intent to steal and used [or threatened to use] actual violence in order to—
  - (a) obtain the thing which they intended to steal; or
  - (b) prevent [or overcome] resistance to this intended stealing.
- (2) As in sub-rule(1), and at that time—
  - (a) was armed with (*name weapon*) a dangerous [or offensive] weapon [or instrument]; or
  - (b) was in company with another person [or other persons].
- (3) As in sub-rule (1) and at that time was armed with (*name loaded arms*) and wounded (*name person*) by discharging this loaded arm.

**Section 388: Assault with intent to steal**

Assaulted (*name person*) with intent to steal.

**Section 389: Demanding property with menaces with intent to steal**

Demanded (*name thing*) from (*name person*) with intent to steal it and threatened them that (*state threat, injury or detriment*) would be caused to them if the demand was not complied with.

**Section 390: Demanding property by threats**

- (a) Caused, with intent to extort [or gain] something (*give particulars*), and knowing the contents of the writing, a person (*name person*) to receive a writing demanding from them [or some other person (*name person*)] something (*give particulars*) without reasonable or probable cause, and which threatened that injury [or detriment] (*state injury or detriment*) would be caused to (*name person*) if the demand was not complied with; or
- (b) Orally demanded, with intent to extort [or gain] something (*give particulars*), without reasonable or probable cause, something (*give particulars*) from [or demanded that something be procured to be done [or omitted to be done] by, any person] with threats to be caused to a person (*name person*), by the accused [or any other person], if the demand was not complied with.

**Section 390A: Making unlawful compensation demand**

Demanded some thing [or payment or compensation] (*give particulars*) with intent to extort [or gain] it from a person (*name person*), and in order to obtain compliance with the demand:

- caused [or threatened to cause] injury to a person (*name person*) [or damage to property (*describe property*)]; or

## Schedule 1, s 391

- did [*or* threatened to do] an act (*describe act*) which rendered [*or* is likely to render] any public road [*or* bridge or navigable river *or* navigable channel] impassable [*or* less safe for travelling *or* conveying property]; or
- unlawfully threatened [*or* intimidated] a person.

### Section 391: Attempts at extortion by threats

With intent to extort [*or* gain] some thing (*describe thing*) from a person (*name person*):

- (a) accused [*or* threatened to accuse] (*name person*) of—
  - (i) committing (*name and give particulars of offence*) an indictable offence; or
  - (ii) offering [*or* making] a solicitation [*or* threat] to (*name person*) as an inducement to them to commit [*or* permit the commission of] (*name offence and give particulars*) an indictable offence, with intent then to extort [*or* gain] (*give particulars*) from them [*or* from (*name person*)]; or
- (b) threatened (*name person*) that they will be accused by (*name person*) of an indictable offence (*name offence and give particulars*) [*or* of an act etc (*as in paragraph (a)(ii)*)]; or
- (c) caused (*name person*) to receive a writing containing an accusation against them [*or* (*name person*)] [*or* containing a threat that they [*or* (*name person*)] would be accused] of (*etc as in paragraph (a)*) and then knowing the contents of this writing.

If applicable: in circumstances of aggravation, in that the accusation [*or* threat of accusation] was of—

- (A) an offence for which the punishment of death or imprisonment for life may be inflicted; or
- (B) an offence against any provision of Division IV.2 [*or* an attempt to commit any such offence]; or
- (C) an assault with intent to have carnal knowledge of a person against the order of nature; or
- (D) an unlawful and indecent assault on a male person; or
- (E) an attempt to commit the crime of rape [*or* an assault with intent to commit the crime of rape]; or
- (F) an unlawful and indecent assault on a woman [*or* girl]; or
- (G) a solicitation [*or* threat] offered [*or* made] to any person as an inducement to commit [*or* permit the commission of] the offence of (*give particulars*).

### Section 392: Procuring execution of deeds etc, by threats

With intent to defraud and by means of—

- (a) unlawful violence to [*or* restraint of] the person of (*name person*); or
- (b) a threat of violence [*or* restraint to be used] to the person of (*name person*); or
- (c) accusing [*or* threatening to accuse] (*name person*) of (*give particulars*), compelled [*or* induced] them [*or* (*name person*)]—
  - (d) to execute [*or* make or accept *or* endorse etc] (*part of*) a (*give particulars*), a valuable security; or
  - (e) to write [*or* impress *or* affix] (*particulars of name or seal*) on to a paper [*or* parchment] so that it might afterwards be made [*or* converted] into [*or* used *or* dealt with] as (*give particulars*), a valuable security.

### Section 393: Taking unlawful control of aircraft

Unlawfully took [*or* exercised] control of an aircraft (*give particulars*);

If applicable: in circumstances of aggravation, in that immediately before [or after] that, they:

- used [or threatened to use] actual violence to the person of (*name person*) [or property (*particulars*)] in order to take [or exercise] such control or to prevent [or overcome] resistance to such control being taken [or exercised]; or
- were armed with (*particulars of weapon*) a dangerous [or offensive] weapon [or instrument]; or
- were in company with (*name person*) [or others]; or
- fraudulently represented [or tricked or by a device, etc] (*particulars of fraud, etc*) to take [or exercise] such control.

### Section 395: Burglary

- (a) Broke and entered the dwelling house of (*name person*) with intent to commit a crime therein; or
- (b) Having:
- (i) entered the dwelling house of (*name person*) with intent to commit a crime therein, broke out of it; or
  - (ii) committed the crime of (*state it*) in the dwelling house of (*name person*), then broke out of it; or
- (c) Broke and entered the dwelling house of (*name person*) and committed the crime of (*state it*) in it.  
(If applicable: in circumstances of aggravation in that the offence was committed in the night.)

### Section 396: Unlawful breaking and entering of a dwelling house

Unlawfully broke and entered the dwelling house of (*name person*).

### Section 397: Entering dwelling-house with intent to commit crime

Entered [or was in] the dwelling house of (*name person*) with intent to commit a crime.

(If applicable: in circumstances of aggravation in that the offence was committed in the night.)

### Section 398: Breaking into or out of a building and committing a crime

- (a) Broke and entered—
- (i) a schoolhouse [or shop, warehouse, counting-house, office, store, vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol-station, ship, aircraft, vessel or club] (*give particulars*); or
  - (ii) a building that is adjacent to a dwelling-house and occupied with it, but is not part of it (*give particulars*),
- and committed a crime in it; or
- (b) Having committed a crime in—
- (i) a schoolhouse [or shop, warehouse, counting-house, office, store, vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol-station, ship, aircraft, vessel or club] (*give particulars*); or
  - (ii) a building that is adjacent to a dwelling-house and occupied with it, but is not part of it (*give particulars*),
- broke out of it.

## Schedule 1, s 399

### Section 399: Breaking into building with intent to commit crime

Broke and entered—

- (a) a schoolhouse [*or* shop, warehouse, counting-house, office, store, vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol-station, ship, aircraft, vessel *or* club] (*give particulars*); or
- (b) a building that is adjacent to a dwelling-house and occupied with it, but is not part of it (*give particulars*), with intent to commit a crime in it.

### Section 400: Breaking into place of worship and committing crime

- (a) Broke and entered a building ordinarily used for religious worship (*name building ordinarily used for religious worship*) of (*state church, mosque etc*) and committed the crime of (*state it*); or
- (b) Having committed the crime of (*state it*) in a building ordinarily used for religious worship (*name building ordinarily used for religious worship*) of (*state church, mosque etc*), broke out of it.

### Section 401: Breaking into place of worship with intent to commit crime

Broke and entered a building ordinarily used for religious worship (*name building ordinarily used for religious worship*) of (*state church, mosque etc*), with intent to commit a crime in it.

### Section 402: Being armed with intent to commit crime

Was found—

- (a) armed with (*name weapon*), a dangerous [*or* offensive] weapon [*or* instrument], with intent to break [*or* enter] a dwelling house and commit a crime in it; or
- (b) armed by night time with a dangerous [*or* offensive] weapon [*or* instrument], with intent to break [*or* enter] a building and commit a crime therein; or
- (c) having in their possession by night without lawful excuse (*name instrument*), an instrument of house-breaking; or
- (d) having in their possession by day a (*name instrument*), an instrument of house-breaking and had this in their possession with intent to commit a crime; or
- (e) having their face masked [*or* blackened or disguised by (*state disguise*)], with intent to commit a crime; or
- (f) in a building by night, with intent to commit a crime.

(*If applicable*), in circumstances of aggravation in that the accused had previously been convicted of a crime relating to property (*set out conviction as in indictment*) at (*Court*) on (*date*).

### Section 404: Obtaining goods or credit by false pretence or wilfully false promise

- (1) By falsely pretending to (*name person*) that (*state false presence*)—
  - (a) obtained from them [*or* (*name person*)] (*give particulars*) with intent to defraud; or
  - (b) induced them [*or* (*name person*)] to deliver to (*name person*) (*give particulars of what delivered*) with intent to defraud.
- (2) By falsely pretending to (*name person*) that (*state false presence*) obtained credit from them [*or* (*name person*)] and at that time (*the accused*) had incurred a debt [*or* liability] as follows (*give particulars*).

**Section 405: Obtaining execution of valuable security by false pretence or wilfully false promise**

By falsely pretending to (*name person*) that (*state false presence*) and with intent to defraud induced them [*or (name person)*]—

- (a) to execute [*or make or accept etc*] [*part of*] a valuable security (*give particulars*); or
- (b) to write [*or impress*] [*their name*] [*or affix a name or seal*] of (*name company*) on [*or to*] a paper [*or parchment*] in order that it might be afterwards be made [*or converted into or used, or dealt with*] (*give particulars*) as a valuable security.

**Section 406: Cheating**

By means of a fraudulent trick [*or device*]—

- (a) obtained from (*name person*) (*give particulars of what obtained*); or
- (b) either—
  - (i) induced (*name person*) to deliver to them [*or (name person)*] (*give particulars of what obtained*); or
  - (ii) induced (*name person*) to pay [*or deliver*] to them [*or (name person)*] (*give particulars of money or goods*) being a greater sum of money [*or a greater quantity of goods*] than they would have paid for [*or delivered*] to them [*or (name person)*] but for such fraudulent trick [*or device*].

**Section 407: Conspiracy to defraud**

Conspired with (*name person*)—

- (a) to affect by deceit [*or by fraudulent means*] the market price of (*give particulars*) being things then publicly sold; or
- (b) to defraud the public or (*name person*) by deceitfully [*or fraudulently*] by (*give particulars of fraud*); or
- (c) to obtain (*state property*) from (*name person*) by deceit [*or fraudulent means*].

**Section 408: Committing a fraud on sale or mortgage of property**

Being then the seller [*or mortgagor*] of (*particulars of real or personal property*) [*or being the lawyer, or agent of a seller (or mortgagor) of (particulars of real or personal property)*], with intent to induce (*name person*) who was the purchaser [*or mortgagee*] of this property to accept the title offered [*or produced*] to them and with intent to defraud—

- (a) concealed from them an instrument material to title of [*or an encumbrance upon*] this property; or
- (b) falsified a pedigree upon which the title depended [*or might depend*].

**Section 409: Pretending to exercise witchcraft**

- (a) Pretended to (*name person*) to exercise [*or use*] witchcraft [*or sorcery or enchantment or conjuration*]; or
- (b) Undertook to (*name person*) to tell fortunes; or
- (c) Pretended to (*name person*) by virtue of a skill in [*or knowledge in*] an occult science to discover where [*or in what manner*] goods supposed to have been stolen [*or lost*] might be found.

## Schedule 1, s 410

### Section 410: Receiving stolen property

- (a) received (*give particulars*) the property of (*name person*) which had been obtained by means of (*state indictable offence*); or
- (b) received (*give particulars*) the property of (*name person*) obtained in (*state country*) by means of an act which if done in Papua New Guinea would have constituted the offence of (*state indictable offence*) and which act was an offence under the laws in force in (*state country*) and knowing that this property had been so obtained.

### Section 412: Corruptly taking reward for recovery of property

Corruptly received [*or obtained or agreed to receive or obtain*] from (*name person*) (*give particulars or benefit*) on an agreement [*or understanding*] that (*the accused*) would help them to recover (*give particulars of property*)—

- (a) which had been obtained by means of (*state indictable offence*); or
- (b) which had been obtained in (*state country*) by means of an act which if done in Papua New Guinea would have constituted the offence of (*state indictable offence*) and which act was an offence under the laws in force in (*state country*),

and had not used all due diligence to cause the offender to be brought to trial for the offence.

### Section 413: Fraudulent disposal of trust property

Being a trustee of (*state property*) for the use or benefit of (*name person*) [and others] [*or for a public or charitable purpose appointed under the (state Act)*] for (*state purpose*)—

- (a) destroyed the property; or
- (b) converted the property to a use not allowed by the trust under which it was held with intent to defraud.

### Section 414: Fraudulent appropriation of company property, keeping fraudulent accounts or falsifying books or accounts

- (a) Being a director [*or officer*] of (*name corporation*)—
  - (i) received [*or possessed themselves of*] (*state property*) the property of the corporation otherwise than in payment of a debt justly due to them [*or a demand justly made by them*]; and
  - (ii) with intent to defraud, omitted to make a full and true entry of it in the books and accounts of the corporation [*or to cause or direct*] to be made a full and true entry of it in the books and accounts of the corporation; or
- (b) Being a director [*or officer or member*] of (*name corporation*), with intent to defraud —
  - (i) destroyed [*or altered or mutilated or falsified or was privy to destroying etc*] a book [*or document or valuable security or account*] that belonged to the corporation [*or an entry in a book [or document or valuable security or account] that belonged to the corporation*; or
  - (ii) made [*or was privy to making*] a false entry in a book [*or document or valuable security or account*] that belonged to the corporation; or
  - (iii) omitted or was privy to omitting a material particular from a book [*or document or valuable security*].

**Section 415: False statement by officials of companies**

Being a promoter [*or director or officer or auditor*] of (*name corporation*) [*or of a corporation then intended to be formed and to be called (*name proposed corporation*)*] made [*or circulated or published (or concurred in the making, or circulating or publishing) of*] a written statement [*or account*] which was false in a material particular in that (*state falsity*) whereas the truth was (*state it*) as they then well knew and with intent by so doing—

- (a) to deceive [*or defraud*] members [*or shareholders or creditors of the corporation*]; or
- (b) to induce (*name person*) [*or persons*]—
  - (i) to become members of [*or to entrust or advance property*] to the corporation; or
  - (ii) to enter into a security for the benefit of the corporation.

**Section 417: Misapplication of money of local authority**

Being a member of (*name local authority*), a local authority—

- (a) advisedly applied (*give particulars*) which money formed part of a fund then under the control of the authority to a purpose to which it could not be lawfully applied by (*state illegal purpose*) as they then well knew; or
- (b) advisedly concurred in the application of (*give particulars*) which money (*etc as in paragraph (a)*).

**Section 418: Fraudulent false accounting**

Being a clerk [*or servant*] of [*or being employed as clerk (or servant)*] by [*or being then acting in the capacity of clerk (or servant) to*] (*name employer*), with intent to defraud —

- (a) destroyed [*or altered or mutilated or falsified or was privy to the destruction of*] (*give particulars*)—
  - (i) a book [*or document or valuable security or account*] belonging to [*or in the possession of or had been received by him on account of*] (*their employer*); or
  - (ii) made an entry in (*give particulars*), a book [*or document or account*] (*etc as in subparagraph (i)*); or
- (b) made [*or was privy to the making of*] a false entry in (*give particulars*), a book [*or document or account*] (*etc as in subparagraph (a)(i)*); or
- (c) omitted [*or was privy to the omitting of a material particular in*] (*give particulars*), a book document or account (*etc as in subparagraph (a)(i)*).

**Section 419: False accounting by public officer**

Being an officer in the Public Service and charged with the receipt [*or custody or management*] of public revenue [*or property*] knowingly furnished to (*name person*) a false statement [*or return*] of—

- (a) money [*or property*] received by them [*or entrusted to their care*]; or
- (b) a balance of money [*or property*] in their possession [*or under his/her control*].

**Section 422: Unlawfully using motor vehicle, bicycle, boat or canoe**

Unlawfully used (*particulars of vehicle*) the property of (*name person*) without their consent [*or without the consent of (*name person*) then in lawful possession of it.*]

## Schedule 1, s 423

### Section 423: Unlawfully using cattle

Unlawfully used (*particulars of animal*) the property of (*state particulars*).

### Section 424: Possession of skin or carcass of suspected stolen animal

Was found to be in possession of part of the skin [*or carcass*] of (*particulars of animal, as per s 424 of the Code*) and at that time this animal was suspected on reasonable grounds of having been stolen.

### Section 426: Unlawful possession of shipwrecked goods

Was in possession of [*or on whose premises was found*] (*name goods*) belonging to the vessel (*name it*) then in distress [*or wrecked or stranded*] and at that time these goods were suspected on reasonable grounds of having been taken from the vessel.

### Section 427: Offering shipwrecked goods for sale

Offered [*or exposed*] for sale (*particulars of goods*) suspected on reasonable grounds to have been unlawfully taken from the vessel (*name it*) then in distress [*or wrecked or stranded*].

### Section 428: Unlawfully dredging for oysters

Unlawfully and otherwise than in the course of catching [*or fishing for*] swimming fish with a net [*or instrument*] adapted for taking swimming fish only—

- (a) used a net (*or name instrument*) for the purpose of taking oysters [*or oyster brood*] within the limits of an oyster bed [*or oyster laying or oyster fishery*] the property of (*name person*) which was sufficiently marked out [*or was known by general repute*] as their property; or
- (b) dragged with a net (*or name instrument*) upon the ground (or soil) of an oyster bed [*or oyster laying or oyster fishery*] the property of (*etc as in paragraph (a)*).

### Section 429: Unlawfully taking fish

Unlawfully took [*or destroyed*] [*or unlawfully attempted to take (or destroy)*] fish in a water which was the private property of (*name owner*) [*or in a water in which (name owner)*] had a private right of fishery.

### Section 436: Arson

Wilfully and unlawfully set fire to:

- (a) a building [*or structure*]; or
- (b) a vessel; or
- (c) a stack of cultivated vegetable produce; or
- (d) a stack of mineral [*or vegetable*] fuel; or
- (e) a mine [*or the workings, fittings or appliances of a mine*]; or
- (f) an aircraft [*or motor vehicle*]

(*Note: state particulars*).

**Section 437: Attempted arson**

Attempted—

- (a) unlawfully to set fire to (*name it in terms of s 436 of the Code*); or
- (b) wilfully and unlawfully set fire to (*give particulars*) which was so situated that a (*name it in terms of s 436 of the Code*) was likely to catch fire from it.

**Section 438: Unlawfully setting fire to crops**

Wilfully and unlawfully set fire to—

- (a) a crop of cultivated vegetable produce; or
- (b) a crop of hay [*or grass*]; or
- (c) any standing trees [*or saplings or shrubs*]; or
- (d) any heath [*or gorse, furze or fern*].

**Section 439: Attempting to unlawfully set fire to crops**

Attempted unlawfully to set fire to (*state a thing referred to in s 438 of the Code*).

**Section 440: Unlawful casting away of a vessel**

- (a) Wilfully and unlawfully cast away [*or destroyed*] the vessel (*name it*); or
- (b) Wilfully and unlawfully did an act tending to the immediate loss [*or destruction*] of a vessel in distress, (*name it*) by (*give particulars of act*); or
- (c) With intent to bring a vessel into danger interfered with (*give particulars of interference*) a light [*or beacon or mark or signal*] used for the purposes of navigation [*or for the guidance of seamen*] [*or exhibited a false light or signal*].

**Section 441: Unlawfully attempting to cast away or destroy a vessel**

- (a) Attempted to unlawfully cast away [*or destroy*] the vessel (*name it*); or
- (b) Attempted to unlawfully do an act tending to the immediate loss [*or destruction*] of the vessel (*name it*) by (*give particulars of act*).

**Section 442: Endangering the safe use of an aircraft**

- (1) With intent to prejudice the safe use of an aircraft [*or to injure property on an aircraft*]—
  - (a) dealt with an aircraft (*name it*) [*or with (give particulars of thing)*] on or near an aircraft (*name it*) or connected with the guidance (*or control or operation*) of an aircraft (*name it*) by (*give particulars of dealing*) and endangered the free and safe use of the aircraft; or
  - (b) omitted to do an act (*give particulars of omission*) which was their duty to do and caused the free and safe use of the aircraft to be endangered; or
- (2) While on board an aircraft, (*name it*), wilfully did an act [*or made an omission or was privy to an act or omission*] (*give particulars of act or omission*) by which to their knowledge the safety of the aircraft was [*or was likely to be*] endangered.

## Schedule 1, s 443

### Section 443: Unlawful killing or injuring of animal

Wilfully and unlawfully killed [*or maimed or wounded*] an animal capable of being stolen (*particulars of animal*) the property of (*name person*).

### Section 444: Wilful damage of property

(1) Wilfully and unlawfully destroyed [*or damaged*] (*particulars of property*) the property of (*name person*);

If applicable, in circumstances of aggravation in that:

- (2) the offence was committed by night;
- (3) the property destroyed or damaged was a dwelling-house [*or a vessel, or an aircraft*] and the injury was caused by the explosion of an explosive substance, and—
  - (a) there was a person in the dwelling-house [*or vessel or aircraft*]; or
  - (b) the destruction [*or damage*] actually endangered the life of a person; or
- (4) the property destroyed [*or damaged*] was a bank [*or wall*] of the sea [*or of a river, canal, aqueduct, reservoir, or inland water, or a work that appertains to a port, harbour, dock, reservoir or inland water*] and the injury caused actual danger [*or inundation or damage*] to land [*or a building*];
- (5) the property was a bridge [*or viaduct or aqueduct*] that was over a highway [*or canal or over which a highway or canal passed*] and was destroyed [*or damaged and the damage was done with intent to make the bridge, viaduct or aqueduct, or the highway or canal, or any part of any of those things, dangerous or impassable*] and the bridge [*or viaduct or aqueduct or the highway or canal*] was made dangerous [*or impassable*] by the damage;
- (6) the property destroyed [*or damaged*] was a testamentary instrument [*or a register that is authorised or required*] by law to be kept for authenticating [*or recording*] the title to any property [*or recording births, baptisms, marriages, deaths or burials*] [*or a copy of any part of any such register that is required by law to be sent to any public officer*]; or
- (7) the property destroyed [*or damaged*] was a vessel in distress [*or wrecked or stranded or a thing that belongs to such a vessel*].
- (8) the property destroyed [*or damaged*] was an aircraft [*or a thing directly or indirectly connected with the guidance, control or operation of an aircraft*].
- (9) the property was a vessel and it was destroyed [*or damaged and the damage was done with intent to destroy it or make it useless*] [*or a light, beacon, buoy, mark or signal used for purposes of navigation, or for the guidance of seamen*] [*or a bank or wall of the sea, or of a river, canal, aqueduct, reservoir or inland water, or a work that appertains to a port, harbour, dock, canal, aqueduct, reservoir or inland water or is used for the purpose of loading or unloading goods*] [*or a bridge, viaduct or aqueduct, that is constructed over a highway or canal, or over which a highway or canal passes, and it is damaged and the damage is done with intent to make the bridge, viaduct or aqueduct, or the highway or canal or any part of it, dangerous or impassable*] [*or a thing in process of manufacture or an agricultural or manufacturing machine, a manufacturing implement or a machine or appliance used or intended to be used for performing a process connected with the preparation of any agricultural or pastoral produce, and it was destroyed*] [*or a thing, machine, implement or appliance specified in paragraph (f) and the damage is done with intent to destroy it or to make it useless*] [*or a shaft or passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working*] [*or a machine, appliance, apparatus, building, erection, bridge or road appertaining to or used with a mine*] [*or a rope, chain or tackle that is used in a mine, or on any way or work appertaining to or used with a mine, and it is destroyed*] or [*a rope, chain or tackle specified in paragraph (j), and it is damaged and damage is done with intent to destroy it or to make it useless*] [*or a well or bore for water, or the dam, bank, wall, or floodgate of a millpond or pool*]; or

- (10) the property destroyed or damaged was a document that was deposited or kept in a public office [or was evidence of title to any land or estate in land].

### Section 445: Attempting to destroy property by explosives

Unlawfully and with intent to destroy [or damage] (*name property*) the property of (*name person*) put (*name it*) an explosive substance in (*give particulars of place*).

### Section 446: Unlawful deposition of explosives

Wilfully and without reasonable cause [or excuse] left down [or deposited] (*name it*) an explosive substance in (*give particulars of place and circumstances*) that it may cause injury to (*name person*) [or damage to the property of (*name person*)].

### Section 447: Attempt to injure mines

With intent to injure [or obstruct the working of] a mine (*describe mine*)—

- (a) unlawfully, and otherwise by an act done underground in the course of working an adjoining mine:
  - (i) caused water to run into the mine [or into a subterranean passage communicating with it] or;
  - (ii) obstructed a shaft [or passage] of the mine;
- (b) unlawfully obstructed the working of a machine [or appliance or apparatus] appertaining to [or used] with that mine; or
- (c) unlawfully and with intent to make it useless, injured or unfastened a rope [or chain or tackle] used in the mine [or on a way or work appertaining to or used with] the mine.

### Section 448: Interfering with marine signals

- (a) Wilfully and unlawfully removed [or defaced or rendered invisible] a light [or beacon or buoy or mark or signal] used for—
  - (i) the purposes of navigation; or
  - (ii) a guidance of seamen; or
- (b) Unlawfully attempted to remove [or deface (*etc as in paragraph (a)*)].

### Section 449: Interfering with navigation works

- (a) Wilfully and unlawfully removed [or disturbed] (*name object or material*) used for—
  - (i) securing a bank [or wall of the sea] (*etc*); or
  - (ii) securing a work appertaining to a port (*etc*) [or used for the purpose of navigation] (*etc*); or
- (b) unlawfully did (*particulars of act*) in (*name river*) with intent then to obstruct the carrying on [or completion or maintenance] of the navigation of the river and did so obstruct (*etc*).

### Section 450: Communicating infectious disease to animals

Wilfully and unlawfully caused [or was concerned in causing (*or attempting to cause*)] (*name disease*), an infectious disease to be communicated to [or among] (*particulars of animals*) the property of (*name person*).

## Schedule 1, s 451

### Section 451: Causing unlawful travel of infected animal

- (a) Caused a four-footed animal (*particulars of animals*) infected with (*name disease*) an infectious disease, to travel, contrary to a law relating to infected animals of that kind (*state law*); or
- (b) Being the owner [or a joint owner] of a four-footed animal (*particulars of animal*) infected with an infectious disease (*name disease*), an infectious disease permitted [or connived] such animal to travel, contrary to a law relating to infected animals of that kind (*state law*).

### Section 452: Unlawful removal of a boundary mark

Wilfully and unlawfully removed [or defaced] (*name object*) an object [or mark] erected [or made] as an indication of the boundary of the land of (*name person*) with intent then to defraud.

### Section 453: Sending letter threatening to burn or destroy

Caused (*name person*), knowing the contents of it, to receive a writing threatening that a building [or vessel or stack of cultivated vegetable produce or vegetable produce is in or under a building] will be burnt [or destroyed].

### Section 462: Forgery

- (1) Forged a document [or writing or seal].
- (2) If applicable, in circumstances of aggravation in that the thing forged—
  - (a) purported to be [or was intended by the accused to be understood to be or to be used as]—
    - (i) the National Seal; or
    - (ii) the great seal of the United Kingdom [or of Australia]; or
    - (iii) the privy seal [or any privy signet] of the Queen and Head of State; or
    - (iv) the royal sign manual of the Queen and Head of State; or
    - (v) the seal of the Head of State [or the Governor-General]; or
    - (vi) any public seal lawfully appointed to be used for authenticating an act of State in any part of Her Majesty's Dominions; or
  - (b) is a document having on it [or affixed to it] any such seal, signet or sign manual, or any thing that purports to be, or is intended by the offender to be understood to be, any such seal, signet or sign manual.
- (3) If applicable, in circumstances of aggravation in that the thing forged purported to be [or was intended by the accused to be understood to be or to be used as]
  - (a) a document that is—
    - (i) evidence of title to—
      - (A) any portion of the public debt of any of Her Majesty's Dominions or of any foreign State; or
      - (B) any dividend or interest payable in respect of a debt referred to in Clause (A); or
    - (ii) a transfer or assignment of any document referred to in subparagraph (i); or
    - (iii) a receipt or certificate for any interest or money payable or accruing on or in respect of a debt referred to in subparagraph (i); or
  - (b) a transfer or assignment of—
    - (i) a share in any corporation, company or society, whether domestic or foreign; or
    - (ii) any share or interest in—

- (A) the capital stock of any such corporation, company or society; or
  - (B) the debt of any such corporation, company or society; or
  - (c) a receipt or certificate for any interest or money payable or accruing on or in respect of any share, interest or debt referred to in paragraph (b); or
  - (d) a document acknowledging or being evidence of the indebtedness of the Government or of the Government of any of Her Majesty's Dominions, or of any foreign Prince or State, to any person; or
  - (e) a document that by the law of Papua New Guinea or of any other country, is evidence of the title to any land or estate in land in Papua New Guinea or that other country, or an entry in any register or book that is such evidence; or
  - (f) a document that by law is required for procuring the registration of any title to any land or estate in land; or
  - (g) a testamentary instrument, whether the testator is living or dead, or a probate or letters of administration; or
  - (h) a bank note, bill of exchange or promissory note, or an acceptance, endorsement, or assignment of a bank note, bill of exchange or promissory note; or
  - (i) a deed bond or other written obligation, or a warrant, order or other security for—
    - (i) the payment of money; or
    - (ii) the delivery or transfer of a valuable security; or
    - (iii) procuring or giving credit, whether negotiable or not, or an endorsement or assignment of any such document; or
  - (j) an accountable receipt, or an acknowledgment of the deposit, receipt, payment or delivery of money or goods, or of any valuable security, or an endorsement or assignment of any such document; or
  - (k) a bill of lading, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery of goods, or any other document used in the ordinary course of business—
    - (i) as proof of the possession or control of goods; or
    - (ii) as authorising, or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive the goods represented by the document, or an endorsement or assignment of any such document; or
  - (l) a charter party, or a shipping document accompanying a bill of lading, or an endorsement or assignment of a charter party or such a document; or
  - (m) a policy of insurance of any kind; or
  - (n) a power of attorney or other authority to execute any document referred to in the preceding provisions of this section; or
  - (o) the signature of a witness to any of the documents referred to in the preceding provisions of this section to which attestation is by law required; or
  - (p) a register of births, baptisms, marriages, deaths or burials authorised or required by law to be kept, or any entry in any such register; or
  - (q) a copy of any register or entry referred to in paragraph (p), that is authorised or required by law to be given or sent to or by any person; or
  - (r) a seal used by a registrar appointed to keep any register referred to in this subsection, or the impression of any such seal, or the signature of any such registrar.
- (4) If applicable, in circumstances of aggravation in that the thing forged purported to be, or was intended by the accused to be understood to be or to be used as—
- (a) the signature of the Head of State [*or* a member of the National Executive Council, the Governor-General of Australia, a member of the Federal Executive Council of Australia, *or* any of Her Majesty's Principal Secretaries of State *or* Under Secretaries of State] on any grant [*or* commission, warrant *or* order]; or
  - (b) a seal [*or* stamp] used for the purposes of the public revenue in Papua New Guinea [*or* of any part of Her Majesty's Dominions *or* in any foreign State]; or

## Schedule 1, s 463

- (c) a document relating to the obtaining [*or receiving*] of any money payable on account of the Public Service of Papua New Guinea [*or any part of Her Majesty's Dominions, or any other property of Her Majesty in any part of Her Dominions, or a power of attorney or other authority to execute any such document*].
- (5) If applicable, in circumstances of aggravation in that the thing forged purported to be [*or was intended by the accused to be understood to be or to be used as*]—
- (a) the seal of a court of record of Papua New Guinea [*or in any part of Her Majesty's Dominions or a seal used at the Chambers of a Judge for stamping or sealing summonses or orders*]; or
  - (b) a seal or signature by virtue of which any document can by law be used as evidence; or
  - (c) any process of any court of justice of Papua New Guinea [*or in any part of Her Majesty's Dominions*]; or
  - (d) a document issued or made by or out of or by the authority of a court referred to in paragraph (c); or
  - (e) a document or copy of a document of any kind, which document or copy is intended by the offender to be used as evidence in a court referred to in paragraph (c); or
  - (f) a record or other document of or belonging to a court of record of Papua New Guinea [*or in any part of Her Majesty's Dominions*]; or
  - (g) a copy [*or certificate*] of any record of a court referred to in paragraph (f); or
  - (h) an instrument, that is made evidence by any law or—
  - (i) a document that a justice is required [*or authorised*] by law to make [*or attest or issue*] and purporting to be made [*or attested or issued*] by a justice; or
  - (j) a stamp used for denoting the payment of fees [*or percentages*] in any court; or
  - (k) a licence [*or certificate*] required [*or authorised*] by law to be given for the celebration of a marriage; or
  - (l) a consent to the marriage of a minor given by a person authorised by law to give it; or
  - (m) a certificate of marriage given under the laws relating to the solemnisation of marriage; or
  - (n) a copy of the registry of a marriage; or
  - (o) a stamp issued or made under the laws relating to the Post Office; or
  - (p) a power of attorney [*or letter of attorney*]; or
  - (q) the signature of a witness to a power of attorney [*or letter of attorney*]; or
  - (r) a contract [*or a writing*] that constitutes, with other writings, a contract [*or that is evidence of a contract*]; or
  - (s) an authority [*or request*] for the payment of money [*or for the delivery of property*]; or
  - (t) an acquittance [*or discharge, a voucher of having received any property, or any document that is evidence of the receipt of any property*]; or
  - (u) any mark that under the authority of a law is impressed on [*or otherwise attached to or connected with*] an article for the purpose of denoting—
    - (i) the quality of the article; or
    - (ii) the fact that it has been examined [*or approved*] by [*or under*] the authority of a public body [*or public officer*]; or
  - (v) a certificate given under the laws relating to quarantine.

If applicable, in circumstances of aggravation in that the thing forged purported to be [*or was intended by the accused to be understood to be or to be used as*] a message to be sent by an ICT service [*or a message received by an ICT service*].

### Section 463: Fraudulent uttering of false document

Knowingly and fraudulently uttered a false document [*or writing or counterfeit seal*].

**Section 464: Knowingly uttering a cancelled document**

Knowingly uttered as and for a subsisting and effective document one purporting to be (*set out particulars of it*) which document had by a lawful authority (*state the court or other lawful authority*) been ordered to be revoked [*or cancelled or suspended*] [*or which document had ceased operation by effluxion of time [or death or other event (give particulars)]*].

**Section 465: Uttering cancelled stamps**

Knowingly uttered as and for a valid and un-cancelled stamp, a stamp [*or an impression of a seal*] used for the purposes of the public revenue of Papua New Guinea [*or of any part of Her Majesty's Dominions*] that had already been used [*or cancelled*].

**Section 466: Procuring execution of a document by false pretence**

By falsely and fraudulently representing to (*name person*) that (*set out particulars of false document*) where it was in fact a (*set out particulars of true document*) procured them to sign [*or execute*] this document.

**Section 469: Demanding property on forged testamentary instrument**

Procured the delivery [*or payment*] to themselves [*or to (name person)*] of (*state property concerned*) by virtue of a probate [*or letters of administration*]—

- (a) which had been granted on a forged testamentary instrument (*give particulars*), knowing the testamentary instrument to have been forged; or
- (b) obtained by false evidence, knowing the grant to have been so obtained.

**Section 470: Purchasing or possessing forged bank notes**

Without lawful authority or excuse knowingly purchased [*or received*] from (*name person*) [*or has in their possession*] a forged bank note.

**Section 471: False certificate of message received by ICT service**

Knowingly signed on a document, which purported to be a copy of a document the contents of which have been received by an ICT service under the laws authorising the transmission by an ICT service of the contents of documents requiring signature [*or seal*], a false certificate that it has been duly received under the provisions of those laws.

**Section 472: Falsifying a warrant for money payable under public authority**

Being employed in the Public Service knowingly and with intent to defraud made out [*or delivered to*] (*name person*) a warrant for the payment of any money payable by public authority for a greater [*or less*] amount than that to which the person on whose behalf the warrant is made out is entitled.

**Section 473: Falsification of a register**

Having the actual custody of a register [*or record*] of (*describe the register or record*) which was kept by lawful authority, knowingly permitted an entry to be made in it which was, to their knowledge false in a material particular.

## Schedule 1, s 474

### Section 474: Signing or transmitting false certificate of marriage

Signed [or transmitted to a person authorised by law to register marriages (*name person authorised by law to register marriages*)] a certificate of marriage [or a document purporting to be a certificate of marriage] that was to their knowledge false in a material particular,

### Section 475: Making a false statement for purpose of a registry

Knowingly, and with intent to procure it to be inserted in a register of births, deaths or marriages, made a false statement (*state falsity*) concerning a matter required by law to be registered in that register.

### Section 476: Making a false representation to procure unauthorised status

- (a) By a false representation to (*name authority authorised by law to issue certificates as to right privilege rank etc*) that they were the person named in a certificate then produced by them and purporting to be (*describe it or set out false representation*) procured the issue to themselves or [or to (*name person*)] a certificate testifying that they were entitled to the privileges and status of (*state*); or
- (b) Falsely represented to (*name person*) that they had obtained a certificate issued by (*name authority*) testifying (*set out particulars of certificate*); or
- (c) By a false representation to (*name authority*) that they were (*state falsity*) procured themselves to be registered as (*state certificate right privilege or rank*).

### Section 477: Counterfeiting trademarks

With intent to defraud [or to enable another person to defraud]:

- (a) made a counterfeit trademark purporting to be the trade mark of (*name owner*); or
- (b) knowingly used a trademark [or a counterfeit trade mark] on an article [or thing connected with an article] (*name the article or thing*) in such a manner that the trademark signified [or implied or may reasonably induce a person to believe] that the article [or thing connected with an article] was such as was designated by this mark.

### Section 478: Circulating false copies of rules or list of members of societies or companies

Knowingly uttered to (*name person*), with intent to deceive or defraud [or to enable another person to deceive or defraud] uttered to a person (*state person*) a document that:

- (a) purported to be a copy of the memorandum [or articles of association or constitution] of a corporation [or joint stock company (*name corporation or company*)] [or rules or by-laws of a corporation or society (*name corporation or society*) constituted under the authority of a law (*name law*)]; or
- (b) purported to be a list of the members of a corporation [or society (*name corporation or society*) constituted under the authority of a law (*name law*)] but is not a true list of those members but which was not a true copy of (*state paragraph (a) or (b)*) with intent to deceive [or defraud or enable another person to deceive (or defraud)].

### Section 481: Forgery of documents required under a law

- (a) Forged a document purporting to be [or intended by the accused to be understood to be or to be used as] a document (*describe document*) required to be obtained [or used] under the provisions of the laws (*describe law*) relating to—

- (i) the engagement [*or* discharge] of seamen; or
  - (ii) the regulation of factories and shops; or
- (b) Uttered a document that is required to be obtained or used under the provisions of those laws (*describe as in (a)*), and that has been issued to another person, and falsely represents himself to be the person named in the document.

#### Section 482: Fraudulent use of adhesive stamps

- (a) Fraudulently removed an adhesive stamp [*or* caused an adhesive stamp to be removed] from a document with intent that the said stamp might be used again; or
- (b) Fraudulently affixed an adhesive stamp which had been removed from a document to another document with intent that the said stamp might be used again; or
- (c) Knowingly uttered an adhesive stamp which had been fraudulently removed from a document with intent that it might be used again; or
- (d) Knowingly uttered a document having on it an adhesive stamp which had been fraudulently removed from another document with intent that it might be used again.

#### Section 483: Giving false warranty relating to sale of food

- (a) Knowingly gave to (*name person*) a purchaser of (*particulars of food or drug*) then sold by him a false warranty in writing with respect to it; or
- (b) Knowingly gave to (*name person*) with (*particulars of food or drug*) then sold by them a label which falsely described it; or
- (c) In the course of proceedings under the laws relating to the sale of food and drugs, knowingly applied to (*particulars of food or drug*) a certificate [*or* warranty] which had been given by (*name giver*) with respect to another article [*or* drug].

#### Section 484: Unlawful possession of instruments for forgery

- (a) Without lawful authority or excuse made [*or* began or prepared to make or use or knowingly had in their possession or knowingly disposed of] paper resembling paper specially provided by the proper authority for the purpose of being used for making—
  - (i) a document acknowledging [*or* being evidence of the indebtedness of (*set out name of debtor*)] to the holders of the (*name document*); or
  - (ii) stamps [*or* licences or permits] used for the public revenue of Papua New Guinea [*or* name Dominion]; or
  - (iii) bank notes;
- (b) Without lawful authority or excuse impressed [*or* made] a plate [*or* material] words [*or* figures or letters or marks or lines] the print of which resembled [*in part*] the words [*or* figures or letters or marks or lines] used in (*give particulars as in paragraph (a)*); or
- (c) Without lawful authority or excuse used [*or* knowingly had in his/her possession or knowingly disposed of] (*name it*) a plate [*or* material] words [*or* figures or letters or marks or lines] the print of which resembled [*in part*] the words [*or* figures or letters or marks or lines] used in (*give particulars as in paragraph (a)*) or any paper on which was) written [*or* printed] the whole [*or* part] of the usual contents of a document (*give particulars as in paragraph (a)*).

## Schedule 1, s 485

### Section 485: Making counterfeit stamps

- (a) Without lawful authority or excuse made [*or mended or began (or prepared) to make (or mend) or used or knowingly had in his/her possession or knowingly disposed of*] a die *or plate or instrument*] capable—
- (i) of making an impression resembling that made by a die [*or instrument*] used for the purpose of making an impressed [*or adhesive*] stamps; or
  - (ii) of producing in (*or on*) paper words [*or figures or letters or marks or lines*] resembling words [*or figures or letters or lines*] used in [*or on*] paper specially provided by the proper authority for the purpose of making impressed [*or adhesive*] stamps,
- used for the purpose of public revenue [*or of the post office*] in (*state place*); or
- (b) without lawful authority or excuse had in his/her possession [*or disposed of*] paper [*or name other material*]—
- (i) having on it the impression of a die (*or plate or instrument*); or
  - (ii) having on it figures [*or letters or marks or lines*],
- used for the purpose of making any stamps and used for (*etc as in paragraph (a)*); or
- (c) fraudulently and without lawful authority or excuse removed from (*state material*) an impressed [*or adhesive*] stamp used for the purposes of (*as in paragraph (a)*) with intent that use might be made of [*part of*] this stamp; or
- (d) fraudulently and without lawful authority or excuse mutilated an impressed [*or adhesive*] stamp used for the purposes of (*as in paragraph (a)*) with intent that use might be made of [*part of*] this stamp; or
- (e) fraudulently and without lawful authority or excuse fixed [*or placed*] on (*state material*) [*or on an impressed [or adhesive] stamp used for the purposes of (as in paragraph (a))*] [*part of*] an impressed [*or adhesive*] stamp used for similar purposes which had been removed from (*state material*) [*or which had been removed out of (or from) another stamp*]; or
- (f) fraudulently and without lawful authority or excuse removed by (*state means of removal*) from (*state material*) on [*or to*] which an impressed [*or adhesive*] stamp used for the purposes of (*as in paragraph (a)*) had been impressed [*or attached*] (*state what removed*) with intent that use might be made of this stamp; or
- (g) knowingly and without lawful authority or excuse had in his/her possession [*or disposed of*] an impressed [*or adhesive*] stamp (*used for the purpose of (as in paragraph (a))*)—
- (i) which had been fraudulently and without lawful authority or excuse removed from (*as in paragraph (c)*); or
  - (ii) which had been fraudulently and without lawful authority or excuse mutilated with intent (*as in paragraph (d)*) with intent that use might be made of [*part of*] this stamp; or
- (h) knowingly and without lawful authority or excuse had in their possession [*or disposed of*]—
- (i) paper [*or (state material)*] on which there had been fraudulently and without lawful authority or excuse fixed [*or placed*] [*part of*] an impressed [*or adhesive*] stamp used for the purpose of (*as in paragraph (a)*); or
  - (ii) an impressed [*or adhesive*] stamp upon which there had been fraudulently and without lawful authority fixed [*or placed*] [*part of*] a stamp used for similar purposes which had been removed (*etc as in paragraph (e)*); or
  - (iii) paper [*or (state material)*] which had been impressed with [*or to which had been attached*] an impressed [*or adhesive*] stamp
- used for the purpose of (*as in paragraph (a)*) and from which (*state what removed*) had been fraudulently (*state means of removal*) without lawful authority or excuse and with intent that use might be made of this stamp.

**Section 486: Unlawful possession of paper for postal purposes**

Knowingly and without lawful authority or excuse had in their possession [or disposed of] before it had been lawfully issued for public use, paper that had been specifically provided by the proper authority for the purpose of being used as (*state use*).

**Section 487: Unlawful possession of paper and dies for postage stamps**

- (a) Made [or began or prepared to make or used for postal purposes or had in their possession or disposed of] without lawful authority or excuse an imitation [or representation] on (*state material*) of a stamp used for denoting a rate of postage of (*state country*); or
- (b) Made [or mended or began (or prepared) to make (or mend) or used or had in their possession or disposed of] without lawful authority or excuse a die [or plate or an instrument or material] for making imitations [or representations] of a stamp used for denoting the rate of postage in (*state country*).

**Section 488: Personation with intent to defraud**

Falsely represented themselves to be (*name person*) with intent thereby to defraud a person (*name person*).

If applicable, in circumstances of aggravation in that the false representation was that the accused was a person entitled by will [or operation of law] to specific property (*state property*), and the accused intended to obtain that property [or possession of that property].

**Section 489: False acknowledgement of liability**

Made an acknowledgement of liability in the name of another person (*name person*), without lawful authority or excuse, before (*name title and person before whom acknowledgment made*), who was lawfully authorised to take such acknowledgement.

**Section 490: Personation of a person named in a certificate**

Uttered a document that had been issued by lawful authority to another person (*name person*) by which that other person was certified:

- (a) to be a person possessed of qualifications recognised by law for the purpose of (*give particulars*); or
- (b) to be the holder of the office of (*give particulars*); or
- (c) to be entitled to exercise the profession [or trade or business] of (*give particulars*); or
- (d) to be entitled to the right [or privilege or to enjoy the rank or status of] of (*give particulars*), and falsely represents themselves to be the person named in the document.

**Section 491: Lending document for personation**

Being issued with a document by lawful authority in which they were certified:

- (a) to be a person possessed of qualifications recognised by law for the purpose of (*give particulars*); or
- (b) to be the holder of the office of (*give particulars*); or
- (c) to be entitled to exercise the profession [or trade or business] of (*give particulars*); or
- (d) to be entitled to the right [or privilege or to enjoy the rank or status of] of (*give particulars*),

## Schedule 1, s 493

- (e) lent this document to (*name person*) with intent that they might represent themselves to be the person named in it.

### Section 493: Absconding with property regarding insolvency

- (a) Being an insolvent departed from Papua New Guinea and took with them [*or attempted (or prepared) to depart from Papua New Guinea and take with them*] part of their property (*describe the property*) of the value of K40.00 or more which ought by law to have been divided amongst their creditors; or
- (b) Departed from Papua New Guinea and took with them [*or attempted to depart from Papua New Guinea and to take with him*] (*as in paragraph (a)*) which ought by law, in the event of them becoming insolvent, to have been divided amongst their creditors and within four months afterwards became insolvent.

### Section 494: Fraud by an insolvent

- (a) Being an insolvent—
  - (i) fraudulently removed part of their property (*describe it*) of the value of K20.00 or more; or
  - (ii) fraudulently parted with [*or altered or made an omission in or was privy to fraudulently parting with or altering or making an omission in*] a document affecting [*or relating to*] their property [*or affairs*], (*set out particulars*); or
- (b) Fraudulently (*as in subparagraph (a)(i) or (ii)*) and within four months afterwards became an insolvent; or
- (c) Being an insolvent attempted to account for part of their property (*describe it*) by alleging fictitious losses [*or expenses*]; or
- (d) At a meeting of their creditors attempted to account for (*as in paragraph (c)*) and within four months afterwards became an insolvent; or
- (e) By falsely representing to (*name person*) that (*state substance of fraud or false representation*) obtained property (*describe it*) on credit from that person and did not pay for it and (*the accused*) within four months afterwards became insolvent.

### Section 495: Concealment of property by insolvent

- (a) Being an insolvent —
  - (i) concealed part of their property to the value of K20.00 (*or more*) (*describe it*); or
  - (ii) concealed a debt due to them by [*or due by them to*] (*name person*) amounting to K...; or
- (b) Does any of the following acts—
  - (i) concealed as in subparagraph(a)(i) or (ii); or
  - (ii) obtained property] (*describe it*) from (*name person*) under the false presence of carrying on business and dealing in the ordinary way of trade and did not pay for same; or
  - (iii) [pawnd (*or pledged or disposed or otherwise than in the ordinary way of trade*) property (*describe it*) which he had obtained on credit and had not paid for],and (*the accused*) within four months afterwards became an insolvent.

**Section 496: Falsification of books by insolvent**

- (a) Being an insolvent concealed [*or destroyed or altered or mutilated or falsified or was privy to the concealment (or destruction or alteration or mutilation or falsification)*] of [*an entry in*] a book [*a document or account*] relating to their property [*or affairs*], namely, a (*describe falsification*); or
- (b) Being an insolvent made [*or was privy to making*] a false entry in a book (*as in paragraph (a)*); or
- (c) Concealed (*or etc as in paragraph (a)*) [*or made (or etc as in paragraph (b))*] and within four months afterwards became an insolvent.

**Section 497: Fraud by an insolvent in course of insolvency proceedings**

Being a person whose affairs were in course of administration under the provisions of the laws relating to insolvent debtors—

- (a) knowing [*or believing*] that a false debt had been proved by (*name person*) in the course of such administration, failed for a period of a month to give information of it to (*name person*) who was then the trustee of their property; or
- (b) falsely represented to their creditors [*or (name creditor)*] that (*state substance of false representation or fraud*) for the purpose of obtaining the consent of these [*or this*] creditor(s) to an agreement with reference to his/her affairs [*or with reference to proceedings taken under or by virtue of such administration*].

**Section 498: Failure by insolvent to discover property**

Being a person whose affairs are in course of administration under the provisions of the laws relating to insolvent debtors—

- (a) failed to fully and truly discover to the best of their knowledge or belief to (*name person*) then the trustee of their property, part of their real [*or personal*] property (*describe it*) and how, and to whom, and for what consideration and when [*they had disposed of it, not being disposed of in the ordinary way of [their] trade*] [*or laid out in the ordinary expense of their family*]; or
- (b) failed to deliver to (*name person*) then the trustee of their property [*or as the trustee directed*] part of their real [*or personal*] property (*describe it*) which was then in their custody [*or under their control*] being property which by law they were required to deliver up to such trustee [*or as directed*]; or
- (c) failed to deliver to (*name person*) then trustee of their property [*or as the trustee directed*], a book [*or document or paper or writing*] which was then in their custody [*or under their control*] which related to their property [*or affairs*] (*state document etc*); or
- (d) omitted [*or was privy to omitting*] from a statement relating to their affairs a material particular (*state this*).

**Section 499: Failure to keep proper books**

Omitted to keep proper books of account showing the true state of their affairs and within three years afterwards became an insolvent.

**Section 500: Concealing a document by an insolvent**

Being an insolvent, prevented the production of a book [*or document or paper or writing*] affecting [*or relating to*] their property [*or affairs*], namely, (*state document*).

## Schedule 1, s 501

### Section 501: Receiving insolvent's property with intent to defraud

- (a) Received from (*name person*) an insolvent, property (*describe it*) with intent to defraud their creditors; or
- (b) Failed to deliver to (*name person*), trustee of the property of (*name person*) an insolvent, property which then formed part of the estate of (*name person*), (*describe property*) with intent to defraud his/her/his creditors.

### Section 502: Making false claim in insolvency

- (a) Being a creditor—
  - (i) of (*name person*) an insolvent; or
  - (ii) of (*name person*) who had taken proceedings for a composition of their creditors under the provisions of the laws relating to insolvent debtors],  
made in the course of the insolvency [*or those proceedings*] a proof [*or declaration*] of debt [*or a statement of account*] which was false in a material particular, in that it stated (*state falsity*) and the truth was (*state truth*) as (*the accused*) then knew with intent to defraud; or
- (b) Not being a creditor (*etc as in paragraph (a)*) made in the course of the insolvency [*or these proceedings*] a proof [*or declaration of debt*] against (*name person*) with intent to defraud.

### Section 503: Concealing property of an insolvent

Concealed part of the property of (*name person*) an insolvent and did not within 42 days after the appointment of the trustee of their property discover the property to the trustee [*or to the Registrar of the National Court*].

### Section 504: Dealing with property with intent to defraud by debtors

- (a) Made a gift [*or delivery or transfer*] of [*or a charge on*] part of their property (*describe it*) to [*or in favour of*] (*name person*) with intent to defraud their creditors; or
- (b) After [*or within two months before*] the date of an unsatisfied judgment [*or order for the payment of money*] obtained against him by (*name person*) concealed [*or removed*] their property (*describe it*) with intent to defraud their creditors.

### Section 505: Concealment by officers of companies on reduction of capital

Being a director [*or officer*] of a joint stock company (*name company*) the capital of which it had been proposed to reduce under the provisions of (*state relevant Act*)—

- (a) concealed the name of (*name person*) a creditor of the company entitled to object to this proposed reduction; or
- (b) knowingly misrepresented the nature [*or amount*] of the debt [*or claim*] of (*name person*) a creditor [*or claimed to be a creditor*] of the company; or
- (c) was privy to the concealment of the name (*as in paragraph (a)*) [*or to an intentional misrepresentation of the nature (as in paragraph (b))*].

**Section 506: Falsification of books of companies**

Being a director [*or officer or contributory*] of a company (*name company*) then in the course of being wound up under the provisions of (*state relevant Act*), with intent then to deceive [*or to defraud or to enable other persons to deceive or defraud*]:

- (a) concealed [*or destroyed or altered or mutilated or falsified*] [an entry in] a book [*or document or valuable security or account*] relating to the affairs of the company, namely a (*give particulars of falsification*); or
- (b) was privy to the concealment (*etc as in paragraph (a)*); or
- (c) made [*or was privy to making*] a false entry in a book [*or document or account*] of the company, namely a (*give particulars of falsification*).

**Section 507: Mixing uncertified with certified articles**

Mixed with (*name article*) to which a mark had been attached [*or to which a certificate had been given*] under (*state relevant Act*) for the purpose of denoting the quality of it] or that it had been examined (*or approved*) by (*or under the authority of*) (*name public body or officer*)] another (*name article*) which had not been so examined [*or approved*].

**Section 508: Using violence or intimidation against another person**

By violence to the person [*or property*] of another person [*or by threats or intimidation*] [*or besetting the house [or place of work] of another person*] [*or following another person in a disorderly manner in a public highway*] [*molesting or in any way obstructing another person by any physical act in the pursuit of their lawful vocation*] compelled [*or attempted to compel*] a person (*name person*) employed in a manufacture [*or trade, business or occupation*] to depart from their employment [*or to return their work before it is finished*] [*or prevented a person who is not employed from accepting employment from any other person*]; or

Used violence to the person [*or property*] of another [*or used threats or intimidation to another, or by physical act molested or in any way obstructed another*] for the purpose of inducing a person to belong to a club or association [*or to contribute to a common fund or to pay a fine or penalty [or on account of a person not belonging to any particular club or association or not having contributed or having refused to contribute to a common fund or having refused to pay a fine or penalty] [or on account of a person not having complied, or refusing to comply, with any rules, orders, resolutions or regulations made or pretended to be made by any person, club or association, in order to obtain an advance of wages or to reduce the rate of wages in or to lessen or alter the hours of working in or to decrease or alter the quantity of work done in or to regulate the mode of carrying on any manufacture, trade or business or the management of any manufacture, trade or business]*]; or

Used violence to the person [*or property*] of another [*or used threats or intimidation to another or by physical act molested or obstructed another, and thereby compelled [or endeavoured to compel]*] a person carrying on any manufacture [*or trade or business*] to make an alteration in their mode of carrying it on [*or to limit the number of their apprentices or the number or description of their journeymen, workmen or servants*].

**Section 508B: Money laundering**

Dealt (*describe how the accused dealt with the property in terms of the definition in s 508B(3) of the Code*) with criminal property (*describe property in terms of definition in s 508A of the Code*) when they knew or ought reasonably to have known that it was criminal property.

## Schedule 1, s 508C

### Section 508C: Dealing with suspected criminal property

Dealt with property (*describe how the accused dealt with the property in terms of the definition in s 508C(2) of the Code*) in circumstances where it was reasonable to suspect that the property was criminal property (*describe property in terms of definition in s 508A of the Code*).

### Section 508J: Terrorist financing

- (1) Provided [*or collected*] property (*describe in terms of the definition in s 508I(1) of the Code*), with the intention that it should be used [*or in the knowledge that it is to be used*] in order to carry out a terrorist act [*or by a terrorist organisation*] (*describe in terms of the definition in s 508I(1) of the Code*); or
- (2) Without lawful justification, by any means, directly or indirectly, provided [*or collected*] property, with the intention that it should be used [*or in the knowledge that it is to be used*] by a terrorist (*describe in terms of the definition in s 508I(1) of the Code*)

### Section 509: Attempting to commit an indictable offence

Attempted to (*state the attempted offence in the terms of this Schedule*).

### Section 513: Attempting to procure commission of a criminal act

Attempted to procure another person (*name person*) to do an act [*or make any omission*] (*give particulars*) of such a nature that, if the act were done [*or the omission were made*] in Papua New Guinea an offence would be committed under the laws of Papua New Guinea [*or the laws in force in (name place)*].

### Section 514: Preparation to commit a crime with explosives

Made [*or knowingly had in their possession*] an explosive substance [*or dangerous or noxious engine, instrument or thing*] with intent [*or for the purpose of enabling any other person*] to commit a crime by means of it.

### Section 515: Conspiracy to commit a crime

Conspired with another person (*name person(s)*) to commit the crime of (*state crime*) [*or to do an act in a part of the world (name country or part of world)*] that if done in Papua New Guinea would be a crime and is an offence under the laws in force in the place where it is proposed to be done].

### Section 516: Conspiracy to commit an offence other than a crime

Conspired with another person (*name person(s)*) to commit an offence, which is not a crime, viz (*state offence, having regard to the division of offences in s 3 of the Code*) [*or to do an act in a part of the world (name country or part of world)*] that if done in Papua New Guinea would be an offence that is not a crime and is an offence under the laws in force in the place where it is proposed to be done].

### Section 517: Specific conspiracies

Conspired with another person (*name person(s)*):

- (a) to prevent [*or defeat*] the execution or enforcement of any law; or
- (b) to cause any injury to the person [*or reputation*] of a person; or

- (c) to depreciate the value of the property of a person; or
- (d) to prevent or obstruct the free and lawful disposition of property by its owner for its fair value; or
- (e) to injure a person in their trade [*or* profession]; or
- (f) to prevent [*or* obstruct], by means of any act [*or* acts] that if done by an individual person would constitute an offence on their part, the free and lawful exercise by any person of their trade [*or* profession *or* occupation]; or
- (g) to effect any unlawful purpose; or
- (h) to effect any lawful purpose by any unlawful means.

*(Give appropriate particulars of the circumstances in each of (a) to (h).)*

**Section 519: Being an accessory after the fact to a crime**

Became an accessory after the fact to a crime (*state crime*) in that he/she (*state how the accused became an accessory*).

**Section 520: Being an accessory after the fact to a misdemeanour**

Became an accessory after the fact to a misdemeanour or [an offence of such a nature that the offender may be sentenced on summary conviction to imprisonment for one year] (*state misdemeanour or other offence*) in that he/she (*state how the accused became an accessory*).

## *Schedule 2*

# FRAUD AND CORRUPTION RELATED OFFENCES

No	Offence	Criminal Code section
<b>Division II.3 Offences against the executive and legislative power</b>		
1	Interference with the legislature	s 57
2	Giving false evidence before Parliament	s 59
3	Member of the Parliament receiving bribe	s 61
4	Bribery of member of the Parliament	s 62
<b>Division III.1 Disclosing official secrets</b>		
5	Disclosure of secrets relating to defence of Papua New Guinea	s 84
6	Obtaining disclosure of secrets relating to defences	s 85
7	Disclosure of other official secrets	s 86
<b>Division III.2 Corruption and abuse of office</b>		
8	Official corruption	s 87
9	Extortion by public officers	s 88
10	Acquisition by a public officer of a private interest in a public contract	s 89
11	Holding by a public officer of a private interest in an official matter	s 90
12	Public officer making false claim	s 91
13	Abuse of office	s 92
14	Valuator corruption	s 93
15	Giving false certificate by public officer	s 94
16	Administering extra-judicial oaths	s 95
17	False assumption of judicial authority	s 96
18	Personation of a public officer	s 97

19	Corruptly procuring or withdrawing a tender	s 97A
20	Bribery of a member of the Public Service	s 97B
21	Failing to report corrupt gratification	s 97C

**Division III.2A Secret commissions**

22	Corrupt receipt of secret commission	s 97G(1)
23	Corrupt giving of secret commission	s 97G(2)
24	Fraudulent giving of false receipt	s 97I
25	Giving advice subject to secret commission	s 97J(1)
26	Offering or soliciting secret commission	s 97J(2)
27	Offering or receiving a secret commission in relation to a trustee	s 97K
28	Taking part in unauthorised act by company officer	s 97L

**Division III.3 Corrupt and improper practices at elections**

29	Personation of a voter at an election	s 99
30	Double voting	s 100
31	Corruptly providing food, drink or lodging at election	s 101
32	Undue influence	s 102
33	Bribery in connection with election	s 103
35	Illegal practices in connection with election	s 105
36	Other illegal practices in connection with election	s 106
37	Interference at elections	s 108
38	Wilful violation of secrecy of ballot	s 109
39	Placing unlawful ballot papers in ballot box	s 110
40	Wilful failure to perform duty by a presiding officer	s 111
41	Giving false answers to questions at an election	s 112
42	Interfering with secrecy at an election	s 113
43	Breaking seal of parcel at an election	s 114
44	Offences at elections when voting is by post	s 115
45	Making a false electoral claim	s 116

**Division III.4 Selling and trafficking in office**

46	Corruptly bargaining for office in the Public Service	s 117
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**Division III.5 Offences relating to administration of justice**

47	Judicial corruption	s 119
48	Corrupt interference with due administration of justice	s 120
49	Perjury	s 121
50	Fabricating evidence	s 122
51	Corruption of witness	s 123
52	Deceiving a witness	s 124
53	Destroying evidence	s 125
54	Preventing witness from attending court	s 126
55	Conspiracy to bring false accusation	s 127
56	Conspiring to defeat justice	s 128
57	Compounding or concealing a crime	s 129
58	Compounding penal actions	s 130
59	Advertising reward for the return of stolen property, etc	s 131
60	Magistrate requiring unreasonable bail or exercising jurisdiction in which there is a personal interest	s 132
61	Wilful delay in taking arrested person before magistrate	s 133
62	Bringing fictitious action on penal law	s 134
63	Inserting advertisement without authority of Court	s 135
64	Attempting to pervert course of justice	s 136

**Division III.6 Escapes: Rescue: Obstructing officers of courts**

65	Removing property under lawful seizure	s 143
66	Obstructing officer of court	s 144

**Division III.7 Offences relating to currency**

67	Gilding metal with intent to make counterfeit coin	s 146
68	Unlawfully making coin instrument	s 147
69	Making counterfeit coin	s 148
70	Unlawfully buying or selling counterfeit coin	s 149
71	Unlawful possession of counterfeit coin	s 150
72	Uttering counterfeit coin	s 151
73	Uttering metal etc as coin	s 152
74	Clipping or sweating coins	s 153
75	Unlawful possession of metal for dealing with coin	s 154
76	Making, possessing or selling tokens resembling coins	s 155

77	Defacing coins	s 156
78	Destroying coins	s 157
79	Unlawful possession of forged notes	s 158
80	Forging or uttering of notes	s 159
81	Making false forms of notes	s 160
82	Fraudulent alteration of notes	s 161
83	Unauthorised copying of notes	s 162
84	Dealing with forfeited goods	s 168

### **Division III.8 Offences relating to posts and telecommunications**

85	Stopping mail with intent to search	s 169
86	Secreting or destroying things sent by post or ICT service	s 170
87	Tampering with things sent by post or ICT service	s 171
88	Wilful misdelivery of things sent by post or ICT service	s 172
89	Delivery of things by false pretence	s 173
90	Wilful secreting of things sent by post etc	s 174
91	Fraudulent issue of money orders or postal notes	s 175
92	Fraudulent message respecting money orders	s 176
93	Sending dangerous or obscene things by post	s 177
94	Retarding delivery of mail	s 178
95	Obstructing mail	s 179
96	Failing to convey mail in speedy manner	s 180
97	Fraudulently removing stamps	s 181
98	Fraudulent evasion of postal laws	s 182
99	Unlawfully sending or conveying letters	s 183
100	Illegally conducting a postal business	s 184
101	Destroying letter receiver	s 185
102	Placing injurious substance in or against letter boxes	s 186
103	Obstructing post office	s 187
104	Wilfully obstructing postal or ICT officer in execution of duty	s 188
105	Violation of secrecy of ICT service	s 191
106	Making unauthorised charges for use of telecommunications facility	s 192
107	Obstructing a postal officer	s 193
108	Resisting authority of postal officer	s 194

**Division III.9 Miscellaneous offences against public authority**

109	False declaration as to execution of sentence of death	s 195
110	Knowingly making false statement under oath	s 196
111	Knowingly making a false statement before authorised person	s 197

**Division IV.4 Offences against public health**

112	Giving false information as to health on foreign ships	s 237
113	Exposing for sale things unfit for food	s 238
114	Dealing in diseased meat	s 239
115	Adulterating liquor	s 240

**Division IV.5 Miscellaneous offences**

116	Dealing with land fraudulently acquired from the State	s 241
117	Fraudulent destruction or removal of goods liable to duty	s 242

**Division V.8 Offences against liberty**

118	Giving a false certificate as to liberty of a person	s 356
119	Concealment of matters affecting liberty	s 357

**Division V.9 Bigamy and offences relating to parental rights and duties**

120	Bigamy	s 360
121	Child-stealing	s 361
122	Child desertion	s 362

**Division VI.1 Stealing and similar offences**

123	Stealing	s 372
124	Fraudulent concealment of a register	s 373
125	Fraudulent concealment of a will	s 374
126	Fraudulent concealment of a land title	s 375
127	Killing an animal with intent to steal	s 376
128	Severing property with intent to steal	s 377
129	Using a registered brand with criminal intent	s 378
130	Fraudulently dealing with minerals in mines	s 379
131	Bringing stolen goods into Papua New Guinea	s 380
132	Fraudulent disposition of mortgaged goods	s 381
133	Fraudulent abstraction of power	s 382

134	Unlawfully use of motor vehicle	s 383
135	Misappropriation	s 383A
136	Obtaining goods or credit by false pretence or wilfully false promise	s 404
137	Obtaining execution of valuable security by false pretence or wilfully false promise	s 405
138	Cheating	s 406
139	Conspiracy to defraud	s 407
140	Committing a fraud on sale or mortgage of property	s 408
141	Pretending to exercise witchcraft	s 409
142	Receiving stolen property	s 410
143	Receiving stolen property	s 411
144	Trustees fraudulently disposing of trust property	s 413
145	Fraudulently appropriation of company property, keeping fraudulent accounts or falsifying books or accounts	s 414
146	False statement by officials of companies	s 415
147	Misappropriation of money of local authority	s 417
148	Fraudulent false accounting	s 418
149	False accounting by public officer	s 419

**Division VI.3 Forgery and like offences: personation**

150	Forgery	s 462
151	Fraudulent uttering of false document	s 463
152	Knowingly uttering a cancelled document	s 464
153	Uttering cancelled stamps	s 464
154	Uttering cancelled stamps	s 465
155	Procuring execution of a document by false pretence	s 466
156	Demanding property on forged testamentary instrument	s 469
157	Purchasing or possessing forged bank notes	s 470
158	False certificate of message received by ICT service	s 471
159	Falsifying a warrant for money payable under public authority	s 472
160	Falsification of a register	s 473
161	Signing or transmitting false certificate of marriage	s 474
162	Making a false statement for purpose of a registry	s 475
163	Making a false representation to procure unauthorised status	s 476
164	Counterfeiting trademarks	s 477
165	Circulating false copies of rules or list of members of societies or companies	s 478
166	Forgery of documents required under a law	s 481

167	Fraudulent use of adhesive stamps	s 482
168	False warranties or labels relating to the sale of food	s 483
169	Unlawful possession of instruments for forgery	s 484
170	Making counterfeit stamps	s 485
171	Unlawful possession of paper for postal purposes	s 486
172	Unlawful possession of paper and dies for postage stamps	s 487
173	Personation with intent to defraud	s 488
174	Falsely acknowledgement of liability	s 489
175	Personation of a person named in a certificate	s 490
176	Lending document for personation	s 491

**Division VI.4 Offences connected with trade and breach of contract  
– fraudulent debtors & offences relating to falsification of companies  
Registers, etc**

177	Absconding with property regarding insolvency	s 493
178	Frauds by an insolvent	s 494
179	Concealment of property by insolvent	s 495
180	Falsification of books by insolvent	s 496
181	Fraud by an insolvent in course of insolvency proceedings	s 497
182	Failure by insolvent to discover property	s 498
183	Failure to keep proper books	s 499
184	Concealing a document by an insolvent	s 500
185	Receiving insolvent's property with intent to defraud	s 501
186	Making false claim in insolvency	s 502
187	Concealing property of an insolvent	s 503
188	Dealing with property with intent to defraud by debtors	s 504
189	Concealment by officers of companies on reduction of capital	s 505
190	Falsification of books of companies	s 506
191	Mixing uncertified with certified articles	s 507

# *Schedule 3*

## FORMS

- 1 Bail & Remand List
- 2 Bench Warrant List
- 3 Other Criminal Matters List
- 4 Criminal (General) List
- 5 Criminal (Fraud & Corruption) List
- 6 Criminal (Juvenile) List
- 7 Notice of committal
- 8 Notice of intention to prosecute, Criminal Code, s 526
- 9 Order granting leave, Criminal Code, s 616
- 10 Order refusing leave, Criminal Code, s 616
- 11 Warrant of commitment on remand
- 12 Notice of intention to prosecute, Criminal Code, s 616
- 13 General form of indictment
- 14 General form of information
- 15 Demurrer
- 16 Order for inquiry, Criminal Code, s 569(1)
- 17 Finding whether accused capable of understanding, Criminal Code, s 569
- 18 Cases not commenced within four months, Constitution, s 37(14)
- 19 Determination of date of birth of accused
- 20 Determination of jurisdiction under Juvenile Justice Act
- 21 Opinion as to diversion option, Juvenile Justice Act
- 22 Warrant of arrest
- 23 Order of revocation of warrant of arrest
- 24 Pre-trial review statement by prosecution
- 25 Pre-trial review statement by defence
- 26 Notice of alibi
- 27 Pre-trial review summary
- 28 Application to be brought to trial, Criminal Code, s 552(2)

- 29 Order re application to be brought to trial, Criminal Code, s 552(2)
- 30 Order re bail after application to be brought to trial, Criminal Code, s 552(3)
- 31 Order re status of proceedings, Criminal Code, s 552(4)
- 32 Declaration that the State declines to lay a charge, Criminal Code, s 525(1)(b)
- 33 Order after the State declines to lay charge Criminal Code, s 526(3)
- 34 Nolle prosequi, Criminal Code, s 527
- 35 Order after nolle prosequi, Criminal Code, s 527(2)
- 36 Admission under Criminal Code, s 589
- 37 Objection to proposed evidence
- 38 Order as to voir dire
- 39 Summons, to attend and give evidence/produce documents etc
- 40 Order restricting public hearing and/or publicity, Constitution, ss 37(12), (13)
- 41 Special measures order, Evidence Act, s 37B(2)
- 42 Order permitting recording of witness interview, Evidence Act, s 37C(1)
- 43 Order permitting child's evidence at pre-trial hearing, Evidence Act, s 37D(1)
- 44 Order providing for cross-examination of complainant, Evidence Act, s 37E(3)(c)
- 45 Application to cross-examine re sexual activities, Evidence Act, s 37H
- 46 Order re sexual activities of complainant, Evidence Act, s 37H
- 47 Order re disclosure of witness's address etc, Evidence Act, s 37I(1)(b)
- 48 Certificate re proceedings of a court, Criminal Code, ss 580, 581
- 49 Exhibit list
- 50 MFI list
- 51 Order that exhibit not be returned to owner, Criminal Code, s 628
- 52 Order requiring psychiatric opinion, Criminal Code, s 590
- 53 Order as to soundness of mind of accused, Criminal Code, s 590
- 54 Order as to soundness of mind of accused, Criminal Code, s 592
- 55 Order as to offender suffering from mental disorder, Criminal Code, s 590
- 56 Order as to acquittal on ground of insanity, Criminal Code, s 592
- 57 Order as to discontinuance of trial, Criminal Code, s 576
- 58 Order as to continuance of trial before another Judge, Criminal Code, s 576
- 59 Order for sentencing by a different Judge, Criminal Code, s 576
- 60 Order as to custody of girl under 18, Criminal Code, s 621
- 61 Verdict
- 62 Request for certificate of acquittal and discharge
- 63 Certificate of acquittal and discharge
- 64 Order as to amendment of indictment, Criminal Code, s 594

SCHEDULE 3—FORMS

- 65 Order re application to arrest judgment, Criminal Code, s 594
- 66 Request for pre-sentence report etc, Probation Act, s 13
- 67 Pre-sentence report
- 68 Pre-sentence period in custody, Criminal Justice (Sentences) Act
- 69 Admission by offender of other offences, Criminal Code, s 603
- 70 Sentence of imprisonment
- 71 Sentence including ancillary orders
- 72 Probation order
- 73 Order as to disqualification from driving, Criminal Code, s 330(2)
- 74 Order as to suspension of execution of sentence, Criminal Code, s 601(1)(b) or (3)
- 75 Order as to discharge without punishment, Criminal Code, s 602(1)
- 76 Order as to habitual criminal, Criminal Code, s 606
- 77 Sentence of death
- 78 Order re restitution of property, Criminal Code, s 623A
- 79 Warrant of commitment to custody
- 80 Warrant of arrest of offender under sentence
- 81 Order as to revocation of suspended sentence
- 82 Certificate for opening of file after sentence
- 83 Antecedent report

**FORM 1 – BAIL AND REMAND LIST**

No	DOC	File ref	Name	Charge/ Offence	Address of accused	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 1**

## Columns

- 1 – indicates the number of matters in the list, No 1 will be the earliest (oldest) matter; no need for a separate list for separate years;
- 2 – in most matters: date of committal; or in the case of matters under s 526 of the Code or private prosecutions under s 616 of the Code: date of filing of notice of intention to prosecute;
- 3 – file reference allocated by the Registrar;
- 4 – name of accused;
- 5 – when the charge is first recorded, it will in most cases be the charge(s) on which the accused has been committed for trial by the District Court to the National Court; however, as the case is progressed, the entry in this column might change, eg, an accused might be committed for trial on a charge of wilful murder, but then indicted on a charge of murder, so the entry in this column will be changed accordingly; the entry in this column must reflect the current status of the matter, eg, if an accused indicted on a charge of murder is convicted of manslaughter, the entry in this column would change to manslaughter; ensure that the charge or offence is described in terms of schedule 1 of these Rules;
- 6 – address of accused, sufficient to state name of village, settlement, town, suburb;
- 7 – the names of two police investigators must be shown: the rank and name of the OIC of the CID branch responsible for the case, followed by the rank and name of the lead investigator with prime responsibility for the case; these details must be checked and updated regularly;
- 8 – the status column must describe concisely the progress of the case, eg, PTR (pre-trial review) set for (*date*); trial set for (*date*).

**FORM 2 – BENCH WARRANT LIST**

---

No	DOI	File ref	Name	Charge/ Offence	Address of accused	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 2**

Details will be the same as table 1 except for column 2, DOI, which will show the date on which the warrant of arrest is issued, and column 8, status, which will show whether the accused has breached bail conditions or escaped from custody, and summarise any special directions given by the Court regarding the warrant such as a return date.

**FORM 3 – OTHER CRIMINAL MATTERS LIST**

---

No	DOO	File ref	Name of appellant/ applicant/ plaintiff/	Name of respondent/ defendant	Nature of proceedings	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 3**

Column 2, DOO, date of opening, will show the date on which the file is opened; column 6 will indicate whether the case is an appeal, application etc; and column 7, police investigators, will show the names of the police investigators, if any, with carriage of the matter.

**FORM 4 – CRIMINAL (GENERAL) LIST**

---

No	DOC	File ref	Name	Charge/ Offence	Address of accused	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 4**

In accordance with Order 1 rule 12, the Criminal (General) List is a sub-set of the Bail & Remand List, and will consist of all matters on the Bail & Remand List except for those that are in the Criminal (Fraud & Corruption) List or the Criminal (Juvenile) List. When publishing this list, the names of juveniles shall not be shown. Juveniles shall be identified by their initials only.

**FORM 5 – CRIMINAL (FRAUD & CORRUPTION) LIST**

---

No	DOC	File ref	Name	Charge/ Offence	Address of accused	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 5**

In accordance with Order 1 rule 12, and Order 4, the Criminal (Fraud & Corruption) List is a sub-set of the Bail & Remand List, and will consist of all matters on the Bail & Remand List with the file reference CR (FC).

**FORM 6 – CRIMINAL (JUVENILE) LIST**

---

No	DOC	File ref	Name	Charge/ Offence	Address of accused	Police investigators	Status
1							
2							
3							

*etc*

**Notes to Form 6**

In accordance with Order 1 rule 12, and Order 3, the Criminal (Juvenile) List is a sub-set of the Bail & Remand List, and will consist of all matters on the Bail & Remand List with the file reference CR (JJ).

**FORM 7 – NOTICE OF COMMITTAL**

---

(*insert district name*) DISTRICT COURT

Committal No ..... of ..... (*year*)

CB No ..... of ..... (*year*)

NOTICE OF COMMITTAL

It is hereby determined pursuant to s 94B(1)/s 100(3)(a) of the *District Courts Act* that (*name of the accused*) of (*address of accused*) is committed to stand trial/for sentence in the National Court on the following charge(s):

..... contrary to *Criminal Code*, s .....

..... contrary to *Criminal Code*, s .....

..... contrary to *Criminal Code*, s .....

AND TAKE NOTE THAT:

- the arresting officer is (*rank and name*) of (*place*) Police Station;
- the age of the accused is estimated to be ..... years;
- the accused has been committed to custody at (*name*) Correctional Institution/committed to bail, and ordered to appear before the National Court at (*place*) for the next call over of criminal cases;
- other remarks are (*insert any special features of the case for the attention of the National Court*).

Dated this ..... day of ..... (*month*), ..... (*year*).

\_\_\_\_\_  
Name of Magistrate .....

Designation of Magistrate .....

**FORM 8 – NOTICE OF INTENTION TO PROSECUTE, CRIMINAL CODE, SECTION 526**

---

Having noted that the ..... (*name*) District Court constituted by his/her Worship ..... (*name of Magistrate*) has on ..... (*date*) refused to commit ..... (*name of accused*) for trial on charge(s) of ..... (*insert charges*), I have considered the evidence contained in the depositions taken before the Court and other relevant evidence and give notice of my intention to prosecute this matter pursuant to s 526 of the *Criminal Code* by reducing into writing in an indictment a charge [or charges of an offence [offences] that the evidence appears to warrant.

Date: .....

.....

PUBLIC PROSECUTOR

**FORM 9 – ORDER GRANTING LEAVE, CRIMINAL CODE, SECTION 616**

---

The Court, being satisfied that the accused has been committed for trial by the District Court and that the Public Prosecutor has no objection to the private prosecution of this matter, grants leave to the plaintiff pursuant to s 616(1) of the *Criminal Code* to prosecute the accused by presentation of an information, subject to the direction pursuant to s 617 of the *Criminal Code* that the plaintiff shall give security on the following terms ..... (*indicate amount to be paid into Court or other security required*), so that the information will be prosecuted without delay, and the plaintiff shall pay the accused such costs incurred by the accused in their defence to the charge as the Court orders the plaintiff to pay.

Date: .....

.....

JUSTICE .....

**FORM 10 – ORDER REFUSING LEAVE, CRIMINAL CODE, SECTION 616**

---

The Court refuses leave to the plaintiff pursuant to s 616(1) of the *Criminal Code* to prosecute the accused by presentation of an information, for the reasons that:

- the accused has not been committed by the District Court to the National Court for trial in relation to this matter;
- the Public Prosecutor objects to the private prosecution of this matter;
- the plaintiff appears to lack the capacity for effective private prosecution of the matter.

*(Strike out whichever is not appropriate and insert other considerations if considered necessary.)*

Date: .....

.....  
JUSTICE .....

**FORM 11 – WARRANT OF COMMITMENT ON REMAND**

---

TO THE COMMISSIONER OF THE CORRECTIONAL SERVICE AND TO ALL MEMBERS OF THE POLICE FORCE AND TO THE OFFICER IN CHARGE OF THE CORRECTIONAL INSTITUTION AT .....

At the Criminal Sittings of the National Court of Justice at ..... (*name*), the accused, was remanded in custody until trial/judgment/sentence.

YOU ARE COMMANDED to convey the accused to this Correctional Institution and deliver them together with this warrant to the officer in charge thereof.

YOU ARE FURTHER COMMANDED TO RECEIVE the accused into your custody and keep them in your safe custody until ordered otherwise and produce them at the National Court as and when required.

Date: .....

.....  
JUSTICE .....

**FORM 12 – NOTICE OF INTENTION TO PROSECUTE, CRIMINAL CODE, SECTION 616**

---

Having been granted leave by the National Court constituted by Justice ..... (*name of Judge*) on ..... (*date*) pursuant to s 616(1) of the *Criminal Code* to present an information against ..... (*name of accused*) regarding a charge of ..... (*describe charge*), I give notice of my intention to prosecute this matter as a private prosecutor pursuant to s 616 of the *Criminal Code* by presentation of an information.

Take notice that:

- the first mention of this matter will be in the National Court at..... (*date*) at ..... (*time*);
- the accused is required to attend the first mention in person or through their legal representative.

Date: .....

.....  
PRIVATE PROSECUTOR

**FORM 13 – GENERAL FORM OF INDICTMENT**

---

IN THE NATIONAL COURT OF JUSTICE

THE STATE

V

AB

INDICTMENT

Held at: ..... (*place of trial*)

AB (*name of accused*) of ..... (*address/place of origin of accused*) stands charged that he/she at (*place*) on the ..... day of ..... (*insert date*) [or between ..... and ..... (*insert dates*) (*set out the statement of charge in accordance with schedule 1 and if more than one, each count to be set out separately*)], contrary to s ..... of the *Criminal Code* [or other law, state as appropriate].

Dated this ..... day of .....

(*Sgd*) ..... By person authorised to present indictment  
(*Title*)

To AB

TAKE NOTE you will be tried on this indictment at the criminal sessions of the National Court commencing at ..... on the ..... day of ..... or on a date to be determined.

(*The following is to be endorsed on the back of the indictment.*)

Committed for trial by the (*place*) District Court on (*date*)/Presented pursuant to notice of intention to prosecute under *Criminal Code*, s 526.

(*Strike out what is not applicable.*)

**FORM 14 – GENERAL FORM OF INFORMATION**

---

IN THE NATIONAL COURT OF JUSTICE

THE STATE

V

AB

*The Accused*

INFORMATION

Held at: ..... (*place of trial*)

The Independent State of Papua New Guinea on the prosecution of the prosecutor (YZ) against the accused person (AB)

The prosecutor informs the Court by leave that AB (*name of accused*) of ..... (*address/place of origin of accused*) stands charged that he/she at ..... (*place*) on the ..... day of ..... (*date*) (*set out the statement of charge in accordance with schedule 1 and if more than one, each count to be set out separately*).

Dated this ..... day of .....

(*Sgd*) ..... By prosecutor or person appointed by the prosecutor

To AB

TAKE NOTICE you will be tried on this information at the Criminal Sessions of the National Court commencing at ..... on the ..... day of ..... or on a date to be determined.

**FORM 15 – DEMURRER**

---

The accused, pursuant to s 567 of the *Criminal Code*, demurs to the indictment presented on .....  
(*date*) and declines to plead any plea/enters a plea of .....(*strike out what is not applicable*).

This demurrer is supported by the affidavit of ..... (*name*) and is made on the following grounds:

1. .... ,
2. .... ,
3. .... .

Date: .....

.....  
ACCUSED/LAWYER FOR ACCUSED

**FORM 16: ORDER FOR INQUIRY, CRIMINAL CODE, SECTION 569(1)**

---

WHEREAS the accused has been called on to plead to the indictment and it appears to be uncertain whether the accused is capable of understanding the proceedings at the trial so as to be able to make a proper defence, it is ordered pursuant to s 569(1) of the *Criminal Code* that before a plea is entered the Court will inquire into the matter in order to discover whether the accused is so capable.

And for the purposes of that inquiry THE COURT REQUESTS that ..... (*name and designation of recipient of request*) arrange a psychiatric and/or psychological assessment of the accused as soon as possible so that a report on the matter may be presented to the National Court by ..... (*date*).

Date: .....

.....  
BY THE COURT

**FORM 17 – FINDING WHETHER ACCUSED CAPABLE OF UNDERSTANDING PROCEEDINGS & ORDER, CRIMINAL CODE, SECTION 569**

---

Having conducted an inquiry for the purposes of s 569(1) of the *Criminal Code*, the Court finds:

- pursuant to s 569(2) of the *Criminal Code* that the accused is capable of understanding the proceedings and shall be called on to plead; or
- pursuant to s 569(3) of the *Criminal Code* that the accused is not capable of understanding the proceedings and that the accused is so found for the reason that the accused is of unsound mind/(*or state some other specified reason*);  
(*Strike out what is not applicable.*)

AND IT IS ORDERED, pursuant to s 569(3)(c) of the *Criminal Code*, that the accused:

- shall be discharged; or
- shall be kept in custody at (*place of custody*) in the manner thought proper by the Court, viz (*here state any special conditions pertaining to the custody of the accused*).  
(*Strike out what is not applicable.*)

Date: .....

.....

BY THE COURT

**FORM 18 – CASES NOT COMMENCED WITHIN FOUR MONTHS, CONSTITUTION, SECTION 37(14)**

---

No	DOC	File ref	Name	Charge	Reason for not commencing trial within four months	Expected trial date
1						
2						
3						

*etc***Notes to Form 18**

## Columns

- 1 – indicates the number of matters in the list, No 1 will be the earliest (oldest) matter; no need for a separate list for separate years;
- 2 – in most cases, date of committal; or in the case of matters under s 526 of the Code or private prosecutions under s 616 of the Code: date of filing of notice of intention to prosecute;
- 3 – file reference allocated by the Registrar;
- 4 – name of accused;
- 5 – description of charge as per Schedule 1, followed by provision number of Code (or description of charge and provision number if charge is laid under another law);
- 6 – brief statement why trial not commenced within four months, eg:
- accused absconded
  - accused escaped custody
  - defence not ready
  - interpreter shortage
  - other cases have priority
  - prosecution not ready;
- 7 – state expected date of trial or if the accused has absconded or escaped, state ‘unable to estimate’.

**FORM 19 – DETERMINATION OF THE DATE OF BIRTH OF ACCUSED**

---

IT IS DETERMINED, having regard to the following matters prescribed by s 4(3) of the *Juvenile Justice Act*:

- (a) the person's birth certificate or baptismal certificate;
- (b) a previous determination of the age of the person by a court;
- (c) hospital or health clinic records, church records or school records of the person; an entry about the person in a clinic book, a village record book, or other documentation of a similar nature;
- (d) statements made by the person, a parent or any other person likely to have direct knowledge of the age of the person;
- (e) an estimation of the age of the person made by a medical practitioner; and
- (f) the person's physical appearance

*(Strike out what is not applicable)*

and having regard to s 63 of the *Evidence Act*,

THAT THE DATE OF BIRTH OF THE ACCUSED is found [or estimated] to be .....,

and that, as the alleged date of commission of the offence with which the accused is charged is .....  
(*insert date*), that the accused was/not a juvenile on the alleged date of commission of the offence; and

that the accused shall/not be regarded as a juvenile for the purposes of the conduct of the criminal proceedings involving the accused.

Date: .....

.....  
JUSTICE .....

**FORM 20 – DETERMINATION OF JURISDICTION, JUVENILE JUSTICE ACT**

---

It is determined, having regard to the Court’s determination dated ..... (*insert date*) that the accused is a juvenile and to the fact that the accused is charged with ..... (*describe offence*) under s ..... (*insert provision*) of the *Criminal Code* (*or state other law*), which is/not punishable by death or imprisonment for life, and other relevant considerations ..... (*identify considerations*), that the National Court does have and will/declines to exercise jurisdiction in this matter.

Date: .....

.....  
JUSTICE .....

**FORM 21 – OPINION AS TO DIVERSION OPTION, JUVENILE JUSTICE ACT**

---

IT IS THE OPINION OF THE COURT, having regard to the following matters prescribed by s 28 of the *Juvenile Justice Act*, at the present stage of the proceedings, namely whether or not:

- (a) the juvenile voluntarily acknowledges responsibility for the offence; and
- (b) consent to diversion and the diversion option is given by—
  - (i) the juvenile; and
  - (ii) if the juvenile has one or both parents, one of his or her parents (whether or not the juvenile has both parents); and
- (c) there is sufficient evidence to proceed with the case and the prosecution is not barred at law; and
- (d) it is in the interests of justice (see s 28(2)) that the matter be resolved informally,

THAT THE ACCUSED OUGHT/NOT TO BE CONSIDERED FOR DIVERSION under Part III of the *Juvenile Justice Act*.

Date: .....

.....  
JUSTICE .....

**FORM 22 – WARRANT OF ARREST**

---

TO ALL MEMBERS OF THE POLICE FORCE

Whereas the accused was committed on the ..... day of ..... 20.... by the ..... District Court to stand trial in this Court on a charge(s) of ..... (*set out charge*).

AND was granted bail/remanded in custody.

An indictment has/not been presented against the accused.

AND the accused was called to stand trial/appear before the Court.

AND AS the accused is in breach of the terms of bail/ has escaped from custody.

YOU ARE COMMANDED TO ARREST the accused and bring the accused before a Magistrate or Judge to be dealt with according to law;

AND IN THE EVENT that the accused is not arrested before the next call over of criminal matters at the place of the hearing of this matter, the arresting officer of the accused or a senior member of the Criminal Investigation Division of the Police Force with sufficient knowledge of the case shall appear before the Court and explain the steps taken to arrest the accused and why the warrant has not been executed.

Date: .....

.....  
JUSTICE .....

**FORM 23 – ORDER OF REVOCATION OF WARRANT OF ARREST**

---

IT IS ORDERED, in regard to the warrant of arrest of the accused issued on ..... (*date*), and having regard to the fact that:

- the warrant has been executed and the accused is now before the Court;
- the accused has surrendered and is now cooperating with the Court;
- (*state any other relevant considerations*),

(*Strike out what is not applicable*)

THAT THE WARRANT OF ARREST IS REVOKED.

Date: .....

.....  
JUSTICE .....

**FORM 24 – PRE-TRIAL REVIEW STATEMENT BY PROSECUTION**

---

LIKELY CHARGE(S) (*describe charge as per schedule 1, and indicate relevant provisions of Code or other law*): .....

NAMES OF PROSECUTION WITNESSES: .....

ANY ADDITIONAL WITNESSES: .....

NUMBER OF HOURS/DAYS FOR THE PROSECUTION'S CASE: .....

WHAT LANGUAGE(S) WILL BE USED BY THE STATE WITNESSES? .....

EXHIBITS TO BE TENDERED AND WHETHER SUITABLE TO BE ADMITTED BY CONSENT: .....

NAMES OF WITNESSES FROM WHOM STATEMENTS HAVE BEEN TAKEN, WHO WILL NOT BE CALLED: .....

THE ORDER IN WHICH WITNESSES WILL BE CALLED: .....

WHETHER ANY APPLICATION FOR A SPECIAL MEASURES ORDER UNDER THE EVIDENCE ACT WILL BE MADE? .....

WHETHER NECESSARY FOR THE COURT TO ISSUE ANY SUMMONSES REQUIRING ATTENDANCE OF WITNESSES: .....

ANY ISSUES REGARDING THE MENTAL OR OTHER MEDICAL CONDITION OF ACCUSED: .....

POINTS OF LAW THAT MAY ARISE ON TRIAL: .....

ANY OTHER SIGNIFICANT MATTER WHICH MIGHT AFFECT THE PROPER AND CONVENIENT TRIAL OF THE CASE: .....

Date: .....

.....  
STATE PROSECUTOR

**FORM 25 – PRE-TRIAL REVIEW STATEMENT BY DEFENCE**

---

LIKELY DEFENCES TO THE CHARGE (*be as specific as is practicable, naming any excusatory defences under the Code likely to be relied on at trial*): .....

WILL THE ACCUSED RELY ON AN ALIBI? : .....

IS IT LIKELY THAT THE ACCUSED WILL GIVE EVIDENCE? .....

ANY DEFENCE WITNESSES OTHER THAN THE ACCUSED? (*provide names and nature of their evidence*): .....

NUMBER OF HOURS/DAYS FOR THE DEFENCE CASE: .....

LIKELY THAT ADMISSIONS WOULD BE MADE PURSUANT TO S 589 OF THE CODE? .....

WHAT LANGUAGE(S) WILL BE USED BY ACCUSED AND DEFENCE WITNESSES? .....

EXHIBITS THAT MAY BE TENDERED BY CONSENT: .....

ANY ISSUES REGARDING THE MENTAL OR OTHER MEDICAL CONDITION OF ACCUSED: .....

POINTS OF LAW THAT MAY ARISE ON TRIAL: .....

STATE WITNESSES NOT REQUIRED FOR CROSS-EXAMINATION: .....

THE ORDER IN WHICH DEFENCE WITNESSES WILL BE CALLED: .....

WHETHER NECESSARY FOR THE COURT TO ISSUE ANY SUMMONSES REQUIRING ATTENDANCE OF WITNESSES: .....

ANY OTHER SIGNIFICANT MATTER WHICH MIGHT AFFECT THE PROPER AND CONVENIENT TRIAL OF THE CASE: .....

Date: .....

.....  
DEFENCE COUNSEL

**FORM 26 – NOTICE OF ALIBI**

---

At the trial, the accused will assert that on the date and time and place of the alleged offence, viz the ... day of ..... 20..... (*date*) at ..... (*time*) at ..... (*place*), he/she was at ..... (*place*) doing ..... (*state any activity the accused was engaged in*).

Other persons who can support this alibi are:

..... (*name*) of ..... (*address*)

Those other persons will/cannot/might be available to give evidence at the trial.  
(*Strike out what is inapplicable.*)

Other information of material assistance in locating such persons is:

.....  
.....

Date: .....

.....  
DEFENCE COUNSEL

**FORM 27 – PRE-TRIAL REVIEW SUMMARY**

---

*(Note: this form is only necessary if directed by a Judge, for special reason)*

LIKELY CHARGE(S) *(describe charge as per schedule 1, and indicate relevant provisions of Code or other law)*: .....

NAMES OF PROSECUTION WITNESSES: .....

FACTS LIKELY TO BE ADMITTED PURSUANT TO S 589 OF CODE? .....

EXHIBITS TO BE TENDERED AND WILL THEY BE ADMITTED BY CONSENT:  
.....

ANY ISSUES REGARDING THE MENTAL OR OTHER MEDICAL CONDITION OF ACCUSED: .....

POINTS OF LAW THAT MAY ARISE ON TRIAL: .....

WHETHER NECESSARY FOR THE COURT TO ISSUE ANY SUMMONSES REQUIRING ATTENDANCE OF WITNESSES: .....

WILL ACCUSED LIKELY GIVE EVIDENCE? .....

ANY OTHER DEFENCE WITNESSES? .....

ANY ADDITIONAL WITNESSES: .....

LIKELY LENGTH OF TRIAL: .....

Date: .....

.....  
JUSTICE .....

**FORM 28 – APPLICATION TO BE BROUGHT TO TRIAL**

---

The accused applies under s 552(2) of the *Criminal Code* to be brought to trial and requests that this application be accepted by the Court.

The Court is informed that:

The accused was committed for trial on ..... (date)

The accused has/not (*strike out what is inapplicable*) been in custody in connexion with this matter during the following period(s): ..... (*insert dates, if applicable*).

Date: .....

.....  
DEFENCE COUNSEL

**FORM 29 – ORDER RE APPLICATION TO BE BROUGHT TO TRIAL, CRIMINAL CODE, SECTION 552(2)**

---

The application of the accused under s 552(2) of the *Criminal Code* to be brought to trial, made on ..... (*insert date*), is accepted by the Court/OR is not accepted by the Court for the following reasons:  
.....(*insert reasons*).

Date: .....

.....  
JUSTICE .....

**FORM 30 – ORDER RE BAIL AFTER APPLICATION TO BE BROUGHT TO TRIAL,  
CRIMINAL CODE, SECTION 552(3)**

---

The Court, being satisfied that the circumstances in s 552(3)(a) OR (b) of the *Criminal Code* apply, and having heard a bail application by the accused, orders that:

The accused is admitted to bail on the following terms, which the Court thinks proper .....  
(*insert bail conditions*) OR

The bail application is refused, for the following special reasons:  
..... (*insert special reasons*).

Date: .....

.....  
JUSTICE .....

**FORM 31 – ORDER RE STATUS OF PROCEEDINGS, CRIMINAL CODE, SECTION 552(4)**

---

The Court, being satisfied that:

the accused has made an application under s 552(2) of the Code, which has been accepted by the Court; and

(*strike out whichever is inapplicable*) at the end of the sittings of the Court at the place of trial next following the making of the application under s 552(2) of the Code, no/an indictment has been presented against the accused OR (*strike out whichever is inapplicable*) the Court is satisfied that the prosecution has/not in the circumstances of the case made a genuine attempt to complete its case,

it is ORDERED that: (*strike out whichever is inapplicable*)

the accused is/not entitled to be discharged

the accused is/not discharged from all charges to which the notice of committal dated ..... (*insert date*) relates;

the accused shall/not be discharged from custody forthwith;

the file is/not closed.

Date: .....

.....  
JUSTICE .....

**FORM 32 – DECLARATION THAT THE STATE DECLINES TO LAY A CHARGE, CRIMINAL CODE, SECTION 525(1)(b)**

---

IT IS DECLARED, pursuant to ss 525(1)(b) and (3) of the *Criminal Code*, THAT THE STATE DECLINES TO LAY A CHARGE in this matter, for the following reasons:

- It is believed that the accused is deceased.
- The whereabouts of the accused are unknown.
- The evidence is considered insufficient to warrant prosecution.
- The resources of the State are insufficient for adequate prosecution.
- Difficulty in locating State witnesses.
- Prosecution is not in the public interest.
- Other: (*specify briefly*): .....

Date: .....

.....  
PUBLIC PROSECUTOR/STATE PROSECUTOR

**FORM 33 – ORDER AFTER THE STATE DECLINES TO LAY CHARGE, CRIMINAL CODE, SECTION 525(3)**

---

The declaration, made on ..... (*date*), pursuant to ss 525(1)(b) and (3) of the *Criminal Code*, that the State declines to lay a charge in this matter, is accepted by the Court, and accordingly it is ordered that:

- (1) Any person having custody of the accused shall, pursuant to s 525(4) of the *Criminal Code*, on receipt of that declaration, immediately release the accused from custody in relation to the charge to which the declaration relates.
- (2) The CR file in this matter is closed.

Date: .....

.....  
JUSTICE .....

**FORM 34 – NOLLE PROSEQUI, CRIMINAL CODE, SECTION 527**

---

The court is informed, pursuant to s 527(1) of the *Criminal Code*, that the indictment in this matter, now pending in the Court, will not be further proceeded with.

Date: .....

.....  
PUBLIC PROSECUTOR/STATE PROSECUTOR

**FORM 35 – ORDER AFTER NOLLE PROSEQUI, CRIMINAL CODE, SECTION 527(2)**

---

The *nolle prosequi*, presented on ..... (date), pursuant to s 527(1) of the *Criminal Code*, is accepted by the Court, and accordingly it is ordered, pursuant to s 527(2) of the *Criminal Code*, that:

- (1) The accused is immediately discharged from any further proceedings on the indictment to which that *nolle prosequi* relates.
- (2) The CR file in this matter is closed.

Date: .....

.....  
JUSTICE .....

**FORM 36 – ADMISSION UNDER CRIMINAL CODE, SECTION 589**

---

The accused admits the following facts alleged against him/her, for the purposes of s 589 of the *Criminal Code* and concedes that these admissions are sufficient proof of such facts without further evidence:

.....  
.....  
.....

Date: .....

.....  
ACCUSED

**FORM 37 – OBJECTION TO PROPOSED EVIDENCE**

---

The accused gives notice that objection will be taken to the admission into evidence of .....  
(*describe proposed evidence*) on the following grounds:

..... (*state grounds of objection*)

Date: .....

.....  
DEFENCE COUNSEL

**FORM 38 – ORDER AS TO VOIR DIRE**

---

Having noted that objection will be taken to the proposed evidence of ..... (*describe proposed evidence*), it is ordered that a voir dire shall be conducted to determine whether such contentious evidence will be admitted into evidence.

The following directions are given regarding the conduct of the voir dire:

.....  
.....

Date: .....

.....  
JUSTICE .....

**FORM 39 – SUMMONS TO ATTEND AND GIVE EVIDENCE/PRODUCE DOCUMENTS ETC**

TO: ..... (*name of recipient*)

THE COURT ORDERS pursuant to Order 8 Rule 7 of the *Criminal Practice Rules* THAT you shall attend before the National Court at ..... (*place*) on ..... (*date*) at ..... (*time*) and until you are excused from further attending to give evidence regarding the subject matter of these proceedings, and in particular (*describe the subject matter of the evidence, if appropriate*):

.....  
.....

AND YOU SHALL produce to the Court the following documents and things that are in your possession or control (*describe if appropriate*):

.....  
.....

TAKE NOTICE that if you fail without reasonable excuse to comply with this summons you may be arrested. Issued at the request of other respondents to these proceedings.

AND FURTHER TAKE NOTICE THAT THE FOLLOWING DIRECTIONS ARE GIVEN REGARDING ANY EXPENSES YOU INCUR IN COMPLYING WITH THIS SUMMONS (*describe if appropriate*):

.....  
.....

Date: .....

.....

JUSTICE .....

**FORM 40 – ORDER RESTRICTING PUBLIC HEARING AND/OR PUBLICITY,  
CONSTITUTION, SECTIONS 37(12), 37(13)**

---

Pursuant to ss 37(12) and 37(13) of the *Constitution*, and ..... (*state any other law relied on*), access by the public to these proceedings and publicity of these proceedings, including in the mass media and on social media, is prohibited or limited ..... (*state any conditions or terms of limitation*) on the grounds that:

- (a) it has been agreed to by the parties to the proceedings;
- (b) it is in the interests of national security;
- (c) it is in the interests of justice;
- (d) it will advance the welfare of persons under voting age;
- (e) it will protect the private lives of persons concerned in the proceedings; and
- (f) it will be in the interests of defence, public safety or public order

*(strike out what is inapplicable)*

AND THE REGISTRAR IS ORDERED TO notify the persons or organisations to whom it is directed that such an order has been made and the terms of the order and to serve this order on such persons (if necessary).

Date: .....

.....  
JUSTICE .....

**FORM 41 – SPECIAL MEASURES ORDER, EVIDENCE ACT, SECTION 37(2)**

---

WHEREAS the witness, ..... (*name of witness*) in this proceeding is—

- (a) under the age of 18 years at the time of the hearing; or
- (b) the complainant in a proceeding relating to a sexual offence; or
- (c) the complainant in a proceeding relating to a crime of violence (*strike out what is inapplicable*);

and in the opinion of the Court, the quality of the witness's evidence would likely to be diminished by reason of fear of distress in connection with testifying in the proceedings, THE COURT, having had regard to ss 37B(3) and (4) of the *Evidence Act*, ORDERS THAT THE FOLLOWING SPECIAL MEASURES BE USED for the giving of evidence by that witness—

- (a) the use of a screen or other arrangement to prevent the witness from seeing the accused;
- (b) the presence of a support person of the witness' choosing seated with the witness when he or she is giving evidence; or
- (c) dispensing with the wearing of wigs and robes while the witness is giving evidence;
- (d) planned seating arrangements for people who have an interest in the proceedings, including the level at which they are seated and the people in the witness line of vision;
- (e) the adjournment of the proceedings or any part of the proceedings to other premises;
- (f) the exclusion from the court, while the witness is giving evidence, of all or any persons without an interest in the proceedings;
- (g) the examination of the witness through an intermediary, who shall communicate and explain—
  - (i) to the witness, the questions put to the witness, in a language appropriate to the witness' age and development; and
  - (ii) to the court, the answers given by the witness in reply;
- (h) permitting the evidence to be given from a place other than the courtroom by means of closed-circuit television or other facilities that enable communication between that place and the courtroom.

Date: .....

.....  
JUSTICE .....

**FORM 42 – ORDER PERMITTING RECORDING OF WITNESS INTERVIEW, EVIDENCE ACT, SECTION 37C(1)**

---

WHEREAS the witness, ..... (*name of witness*) in this proceeding is:

under 18; or

a complainant in a proceeding relating to a sexual offence;

(*strike out what is inapplicable*)

and the Court is of the opinion, having regard to all the circumstances of the case, that it is in the interests of justice that the evidence of that witness be so admitted, the Court, pursuant to s 37C(1) of the *Evidence Act*, permits a video-recording of an interview of the witness to be admitted as the evidence in chief of the witness, provided that, at the proceedings, the witness—

- (a) identifies himself/herself and attests to the truthfulness of the contents of the recording; and
- (b) is available for cross-examination and re-examination.

Date: .....

.....  
JUSTICE .....

**FORM 43 – ORDER PERMITTING CHILD’S EVIDENCE AT PRE-TRIAL HEARING, EVIDENCE ACT, SECTION 37D(1)**

---

WHEREAS the witness, ..... (*name of witness*) in this proceeding is under the age of 18, it is ordered, pursuant to s 37D(1) of the *Evidence Act*, that the witness’s evidence be taken at a pre-trial hearing, in accordance with the following directions:

- (a) as to the persons who may be present at the pre-trial hearing; or
- (b) as to the persons or classes of persons, who are authorised to have possession of the video-taped recording of the evidence; or
- (c) as to the giving up of possession and as to the playing, copying or erasure of the recording.

(*strike out what is inapplicable and include conditions, if any*); and subject to the other provisions of s 37D(1) of the *Evidence Act*.

Date: .....

.....  
JUSTICE .....

**FORM 44 – ORDER PROVIDING FOR CROSS-EXAMINATION OF COMPLAINANT,  
EVIDENCE ACT, SECTION 37E**

---

WHEREAS the witness, (*name of witness*) in this proceeding is:

- (a) under the age of 18 years; or
- (b) a complainant in a proceeding relating to a sexual offence, and the accused is self-represented; and

the accused has notified the court that no legal representative is to act for him for the purpose of cross-examining the witness; or

no notification has been received by the court and it appears to the court that no legal representative is to so act,

it is ORDERED pursuant to s 37E of the *Evidence Act* that:

- any question to the witness will be stated to the judge, and the judge will repeat the question accurately to the witness; or
- an intermediary ..... (*name*) is appointed, so that any question to the witness shall be stated by putting the question to the intermediary, and the intermediary shall repeat the question accurately to the witness.

Date: .....

.....  
JUSTICE .....

**FORM 45 – APPLICATION TO CROSS-EXAMINE RE SEXUAL ACTIVITIES, EVIDENCE ACT,  
SECTION 37H**

---

Application is made pursuant to s 37H of the *Evidence Act* for leave to cross-examine the complainant as to his/her sexual activities.

The detailed particulars of the evidence that the accused seeks to adduce are:  
..... (*state detailed particulars*).

The relevance of that evidence to the issues at trial are:  
..... (*state relevance of evidence*).

Date: .....

.....  
JUSTICE .....

**FORM 46 – ORDER RE SEXUAL ACTIVITIES OF COMPLAINANT, EVIDENCE ACT,  
SECTION 37H**

---

WHEREAS the Court has considered an application for leave to cross-examine the complainant as to his/her sexual activities and taken into account the factors prescribed by s 37H(3) of the *Evidence Act* and applied the procedures set out in s 37H(5) of that Act, leave is granted [or refused] as the cross-examination:

- (a) shall be confined to a specific instance of sexual activity, viz ..... (*give particulars*);
- (b) is relevant to an issue at trial, viz ..... (*give particulars*); and
- (c) has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice.

Date: .....

.....  
JUSTICE .....

**FORM 47 – ORDER RE DISCLOSURE OF WITNESS’S ADDRESS ETC, EVIDENCE ACT,  
SECTION 37I(1)(b)**

---

WHEREAS the general principle is that a witness in criminal proceedings is not required to disclose their address, telephone number or place of employment. It is ORDERED pursuant to s 37I of the Evidence Act that those details in respect of the witness ..... (*name*) be disclosed as the Court is satisfied that disclosure is not likely to present a risk to the welfare or safety of any person [or that the interests of justice outweigh any such risk].

Date: .....

.....  
JUSTICE .....

**FORM 48 – CERTIFICATE RE PROCEEDINGS OF A COURT, CRIMINAL CODE, SECTIONS 580, 581**

---

I certify that:

- (a) in the period from ..... (*date*) to ..... (*date*) in the ..... Court at ..... (*place*) there was a trial of ..... (*name of person tried*) who was charged with ..... (*describe charges*); and
- (b) I am the officer [or deputy] having custody of the records of that Court.

Date: .....

.....  
REGISTRAR (OR OTHER OFFICER, AS APPROPRIATE)

**FORM 49 – EXHIBIT LIST**

---

File Ref/parties .....: CR 3456/20 *The State v Alpha Beta*

Counsel .....: Prosecution – Ms C Delta  
 Defence – Mr E Foxtrot

Coram .....: Golf J  
 Associate .....: H India

Exhibit list updated .....: 25/3/21

No	Name/description	Date of admission	Exhibit No
1.	ROI of Alpha Beta Tok Pisin original	23.3.21	P1A
2.	ROI of Alpha Beta English translation	23.3.21	P1B
3.	Statement of Juliet Kilo, 23.2.21	23.3.21	P2
4.	Letter: A Beta/Minister for Finance, 11.8.21	24.3.21	P3
5.	Cheque: Department of Finance/Alpha Beta, K100,000.00	24.3.21	P4
6.	Photograph of live ammunition	24.3.21	P5
7.	Post-mortem report of deceased Lima Mike, author Dr November Oscar	24.3.21	P6
8.	Affidavit: Papa Quebec dated 29/4/2014, used in WS 999/21	24.3.21	P7
9.	Statement: Tango Uniform dated 14/4/14, used in WS 999/21	25.3.21	D1
10.	Certificate of conviction: Boroko District Court dated 17/4/20 re Victor Whiskey	25.3.21	D2
11.	Police information: 16/4/17 Snr Const Xray Yankee re Zebra Alpha	25.3.21	D3

Date: .....

.....  
 ASSOCIATE TO JUSTICE .....

**FORM 50 – MFI LIST**

---

File Ref/parties ..... : CR 3456/20 *The State v Alpha Beta*

Counsel ..... : Prosecution – Ms C Delta  
 Defence – Mr E Foxtrot

Coram ..... : Golf J  
 Associate ..... : H India

MFI list updated ..... : 23/3/21

No	Name/description	Date of tendering	MFI No
1.	Letter: A Beta/Minister for Treasury, 11.8.21	23.3.21	MFI-1
2.	Cheque: Department of Finance/Alpha Beta, K20,000.00	23.3.21	MFI-2
3.	Photograph of A Beta	23.3.21	MFI-3

Date: .....

.....  
 ASSOCIATE TO JUSTICE .....

**FORM 51 – ORDER THAT EXHIBIT NOT BE RETURNED TO OWNER, CRIMINAL CODE, SECTION 628**

---

WHEREAS an exhibit described and marked as ..... (*describe exhibit and number*) has been tendered in Court in these proceedings and it appears to the Court that it is in the public interest that it not be returned to its owner, it is ordered that it be forfeited [or destroyed or otherwise dealt with].

Date: .....

.....  
 JUSTICE .....

**FORM 52 – ORDER REQUIRING PSYCHIATRIC OPINION, CRIMINAL CODE, SECTION 590**

---

WHEREAS on the trial of the accused, it has been alleged [or it appears] that the accused is not of sound mind, it is ordered pursuant to s 590(1) of the *Criminal Code* that before continuing the trial, the Court will consider the matter in order to find whether the accused is not of sound mind.

And for the purposes of consideration of this matter THE COURT REQUESTS that .....  
(*name and designation of recipient of request*) arrange a psychiatric and/or psychological assessment of the accused as soon as possible so that a report on the matter may be presented to the National Court by .....  
(*date*).

Date: .....

.....  
JUSTICE .....

**FORM 53 – ORDER AS TO SOUNDNESS OF MIND OF ACCUSED, CRIMINAL CODE, SECTION 590**

---

WHEREAS on the trial of the accused, it had been alleged [or it appeared] that the accused is not of sound mind, and it was ordered pursuant to s 590(1) of the *Criminal Code* that before continuing the trial, the Court would consider the matter in order to find whether the accused is not of sound mind; and WHEREAS the Court has considered the matter by considering a psychiatric and/or psychological assessment of the accused, THE COURT’S FINDING is, under s 590(1) of the *Criminal Code*, that:

The accused is of sound mind and therefore the trial shall proceed; or

The accused is not of sound mind and shall be kept in strict custody at ..... (*state place and manner of custody the Court thinks proper*) until dealt with under the *Mental Health Act 2015*.

(*Strike out what is inapplicable.*)

Date: .....

.....  
JUSTICE .....

**FORM 54 – ORDER AS TO SOUNDNESS OF MIND OF ACCUSED, CRIMINAL CODE,  
SECTION 592**

---

WHEREAS on the trial of the accused, it was alleged [or it appeared] that the accused was not of sound mind at the time when the act or omission alleged to constitute the offence occurred, and the accused has been found not guilty, the Court finds, pursuant to s 592 of the *Criminal Code*, that the accused:

Was not of unsound mind at the time when the act or omission took place; or

Was of unsound mind at the time when the act or omission took place but was not acquitted on account of such unsoundness of mind; or

Was of unsound mind at the time when the act or omission took place and was acquitted on account of such unsoundness of mind and accordingly orders that the accused be kept in strict custody at .....  
(state place and manner of custody the Court thinks proper) pending a decision by the Head of State, acting on advice.

(Strike out what is inapplicable.)

Date: .....

.....  
JUSTICE .....

**FORM 55 – ORDER AS TO OFFENDER SUFFERING FROM MENTAL DISORDER,  
CRIMINAL CODE, SECTION 590**

---

WHEREAS the offender has suffered from a mental disorder immediately after conviction against him [or her] has been pronounced [or at any time after that] execution of the judgment is stayed and he [she] shall be dealt with as a forensic patient under the provisions of the *Mental Health Act 2015*.

Date: .....

.....  
JUSTICE .....

**FORM 56 – ORDER AS TO ACQUITTAL ON GROUND OF INSANITY, CRIMINAL CODE, SECTION 592**

---

WHEREAS on the trial of the accused, evidence was given that the accused was suffering from insanity as provided in s 28 of the *Criminal Code* at the time of the committing of the offence, and the accused has been acquitted, the Court finds, pursuant to s 592 of the *Criminal Code*, that the accused:

Was not suffering from insanity at the time of committing the offence; or

Was suffering from insanity at the time of committing the offence but was not acquitted on account of such insanity; or

Was suffering from insanity at the time of committing the offence and was acquitted on account of insanity and accordingly orders that the accused be confined in a Mental Health Centre indefinitely and shall be released only by the Minister on recommendation by the Mental Health Tribunal.

*(Strike out what is inapplicable.)*

Date: .....

.....  
JUSTICE .....

**FORM 57 – ORDER AS TO DISCONTINUANCE OF TRIAL, CRIMINAL CODE, SECTION 576**

---

WHEREAS in the course of the trial, the presiding Judge, Justice ..... (*name*), has become incapable of proceeding, and on granting an application by the accused [or counsel for the accused or a State Prosecutor], it is ORDERED, pursuant to s 576(1) of the *Criminal Code*, that the trial is discontinued and that the accused:

Shall remain in custody and may again be put on trial on the same indictment and has the same rights with respect to admission to bail as on the original committal for trial; or

Shall remain on bail on the same conditions and may again be put on trial on the same indictment.

*(Strike out what is inapplicable.)*

Date: .....

.....  
JUSTICE .....

**FORM 58 – ORDER AS TO CONTINUANCE OF TRIAL BEFORE ANOTHER JUDGE,  
CRIMINAL CODE, SECTION 576**

---

WHEREAS in the course of the trial, the presiding Judge, Justice ..... (*name*), has become incapable of proceeding, and on granting an application by the accused [or counsel for the accused or a State Prosecutor], and with the agreement of all parties to the proceedings, it is ORDERED that:

the trial be continued before another Judge, the Court Reporting Manager is requested to prepare a transcript of the part-heard trial; or

the application is refused.

*(Strike out what is inapplicable.)*

Date: .....

.....  
JUSTICE .....

**FORM 59 – ORDER FOR SENTENCING BY A DIFFERENT JUDGE, CRIMINAL CODE,  
SECTION 576**

---

WHEREAS after conviction of the offender, the presiding Judge, Justice ..... (*name*), has become incapable of proceeding, and on granting an application by the accused [or counsel for the accused or a State Prosecutor], it is ORDERED pursuant to s 576(3) of the *Criminal Code* that sentencing of the offender shall be proceeded with by Justice ..... (*name*).

Date: .....

.....  
JUSTICE .....

**FORM 60 – ORDER AS TO CUSTODY OF GIRL UNDER 18, CRIMINAL CODE, SECTION 621**

WHEREAS on the trial of the accused, who has been charged with an offence under s ..... (*insert provision number*) of the *Criminal Code*, being a provision of Division IV.2 (*offences against sexual morality*) of the *Criminal Code* relating to women or girls, it has been proved to the satisfaction of the Court that the seduction [and/or, prostitution or incest] of a girl under the age of 18 years, ..... (*name of girl*) has been caused [or encouraged or favoured] by her father [or mother, guardian, master or mistress], it is ORDERED that:

- (a) the father [or mother, guardian, master or mistress] is divested of all authority over her; and
- (b) ..... (*name*) is appointed, being willing to take charge of the girl, to be her guardian until she has attained the age of 18 years [or some lesser age directed by the Court]

Date: .....

.....  
JUSTICE .....

**FORM 61 – VERDICT**

---

The accused, having been charged with:

Count 1, (*describe charge and relevant provision of Code or other law*);

Count 2 etc, (*describe charge and relevant provision of Code or other law*);

Is found:

Guilty/not guilty and discharged from that charge/of count 1;

Guilty/ not guilty and discharged from that charge/of count 2 etc;

And [in cases where the accused is found guilty of one or more charge]:

the Court requests a pre-sentence report, inclusive of a victim impact statement and a means assessment report, to be prepared and filed by ..... (*date*), for the purposes of sentencing the offender; and

bail of the offender is revoked/bail is refunded/bail conditions are discharged/the offender is remanded in custody; or

the offender is granted bail under s 10 of the *Bail Act*, on the same conditions on which bail was previously granted/or subject to the following amended conditions. OR

[in cases where the accused is found not guilty of all charges]:

all bail conditions are discharged/bail is refunded/ the accused is discharged from custody/the accused is discharged from the charge pursuant to s 591 of the *Criminal Code*.

Date: .....

.....  
JUSTICE .....

**FORM 62 – REQUEST FOR CERTIFICATE OF ACQUITTAL AND DISCHARGE**

---

TO: THE REGISTRAR OF THE NATIONAL COURT

WHEREAS the accused was on ..... (*date*) found not guilty of all charges in these proceedings, a request is hereby made for issuance of a certificate of acquittal and discharge.

Date: .....

.....

DEFENCE COUNSEL

**FORM 63 – CERTIFICATE OF ACQUITTAL AND DISCHARGE**

---

BEFORE JUSTICE .....

THE ..... day of ..... 20.....

THE accused was this day acquitted and discharged on the charge of .....  
(*short particulars of charge*)

Date: .....

.....

JUSTICE .....

**FORM 64 – ORDER AS TO AMENDMENT OF INDICTMENT, CRIMINAL CODE,  
SECTION 594**

---

WHEREAS the accused has been convicted of an indictable offence, viz .....  
(*describe offence*) and moved the Court for arrest of the judgment on the ground that the indictment does not disclose an offence, the Court:

allows the following amendment of the indictment, being an amendment that it might have allowed before verdict:

..... (*state how the indictment is amended*); OR

Refuses to allow any amendment of the indictment.

Date: .....

.....  
JUSTICE .....

**FORM 65 – ORDER RE APPLICATION TO ARREST JUDGMENT, CRIMINAL CODE,  
SECTION 594**

---

WHEREAS the accused has been convicted of an indictable offence, viz .....  
(*describe offence*) and moved the Court for arrest of the judgment on the ground that the indictment does not disclose an offence, and the Court has:

allowed the following amendment of the indictment, being an amendment that it might have allowed before verdict: ..... (*state how the indictment is amended*); OR

refused to allow any amendment of the indictment; and

arrests the judgment and, on the application of a State Prosecutor, reserves the case for the consideration of the Supreme Court as provided by s 594 of the *Criminal Code*; OR

refuses the application to arrest the judgment and will proceed to sentence the offender forthwith/in accordance with the following directions, which are given having regard to s 596 of the *Criminal Code* ..... (*state directions*).

Date: .....

.....  
JUSTICE .....

**FORM 66 – REQUEST FOR PRE-SENTENCE REPORT, PROBATION ACT, SECTION 13**

---

REQUEST FOR A PRE-SENTENCE REPORT

The National Court, sitting at ..... on the ..... day of ..... 20..... , requests a pre-sentence report in respect of ..... (*name of offender*) who has been convicted of the following offence(s):

OFFENCE(S) SECTION NO AND NAME OF ACT CONTRAVENED

.....  
.....  
.....

The pre-sentence report is to be filed by ..... (*date*) so it can be presented at the sitting of the National Court ..... (*date*) at ..... (*time*).

The offender has been:

- remanded in custody at: .....
- released on bail (*and contact address and phone number is*) .....
- dealt with so that they may be contacted (*give details*) .....

for the period of adjournment to allow access by a probation officer for the preparation of the pre-sentence report.

AND IT IS FURTHER REQUESTED that the pre-sentence report be prepared and set out in the manner required by Form 67 of the *Criminal Practice Rules 2022*.

Date: .....

.....

JUSTICE .....

**FORM 67 – PRE-SENTENCE REPORT**

---

OFFENDER: .....

OFFENCE(S): .....

**OFFENDER'S PERSONAL PARTICULARS:**

Gender: .....

Origin: .....

Addresses in previous five years: .....

Marital/relationship status: .....

Spouse/partner: .....

Children/dependants: .....

Education: .....

Employment history: .....

Means of support: .....

**CHARACTER AND REPUTATION**

Family and support network: .....

Community record: .....

*(Attach any character references)*

Does the offender have any prior involvement with criminal justice system?

**ATTITUDE OF VICTIM**

What has been the impact on the victim *(or relatives of victim)* of the offence?

Is the victim *(or relatives of victim)* interested in forgiveness, compensation and/or reconciliation?

Assessment *(by report author)* of whether forgiveness, compensation and/or reconciliation are reasonable, practical and/or realistic scenarios.

**COMPENSATION/RESTITUTION**

Does offender have means available to pay compensation, or make restitution, if considered appropriate?

**WHETHER OFFENDER IS SUITABLE FOR PROBATION**

Assessment *(by report author)* of whether offender is suitable for probation.

What conditions ought to be imposed if the offender is granted probation?

Date: .....

.....  
AUTHOR OF REPORT *(insert name and designation)*

**FORM 68 – PRE-SENTENCE PERIOD IN CUSTODY, CRIMINAL JUSTICE (SENTENCES) ACT**

OFFENDER: .....

OFFENCE(S): .....

CONVICTED IN THE NATIONAL COURT AT ..... (*place*) ON ..... (*date*)  
BEFORE JUSTICE ..... (*Judge*).

PERIOD IN POLICE CUSTODY IN CONNECTION WITH THIS OFFENCE: (*here state the commencement date and end-date of the period in police custody and the place of detention; if separate periods, state the periods separately*) .....

TOTAL PERIOD  
IN POLICE CUSTODY =

PERIOD IN CORRECTIONAL SERVICE CUSTODY IN CONNECTION WITH THIS  
OFFENCE: (*here state the commencement date and end-date of the period in CS custody and the place of detention; if separate periods, state the periods separately*) .....

TOTAL PERIOD  
IN CS CUSTODY =

TOTAL PERIOD IN  
POLICE AND CS CUSTODY =

.....  
Signed PROSECUTOR

.....  
Signed OFFENDER OR COUNSEL

**FORM 69 – ADMISSION BY OFFENDER OF OTHER OFFENCES, CRIMINAL CODE  
SECTION 603**

---

STATEMENT OF OTHER INDICTABLE OFFENCES NOT PUNISHABLE WITH DEATH OR IMPRISONMENT FOR LIFE WITH WHICH THE OFFENDER HAS BEEN CHARGED, IE, OUTSTANDING CHARGES, CRIMINAL CODE, SECTION 603(1):

**Charge**

*(Describe charge according to Schedule 1 (if it is an offence under the Code) and state provision of the law allegedly contravened)*

**Date of charge**

*(Insert date of charge or information)*

**Signed and dated:**

Offender

**Signed and dated:**

Member of Police Force

STATEMENT BY OFFENDER AS TO OUTSTANDING CHARGES, CRIMINAL CODE, SECTION 603(3): I admit [or do not admit] my guilt in respect of all [or some - *specify*] of those outstanding charges and wish [do not wish] them to be taken into account by the Court in passing sentence for the offence of which I have been convicted.

**Signed and dated:**

Offender

CERTIFICATE OF COURT AS TO OUTSTANDING CHARGES, CRIMINAL CODE, SECTION 603(4): It is certified that all [or some - *specify*] of the outstanding charges that the offender has admitted to and wishes to be taken into account by the Court in passing sentence, have been taken into account in passing sentence for the offence of which the offender has been convicted.

Date: .....

.....  
JUSTICE .....

**FORM 70 – SENTENCE OF IMPRISONMENT**

---

The offender, ..... (*name*), having been convicted of .....  
 (*note: state convictions, not charges*) is sentenced as follows (*note: if multiple convictions, state what sentences are allocated to each sentence and whether sentences are to be served cumulatively or concurrently*):

<b>Length of sentence imposed</b>	..... years .....
<b>Pre-sentence period to be deducted</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Resultant length of sentence to be served</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Amount of sentence suspended</b>	..... years, ..... months, on condition that ( <i>summarise or cross-refer to a document setting out conditions</i> )
<b>Time to be served in custody</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Place of custody</b>	..... Correctional Institution

Date: .....

.....  
 JUSTICE .....

**FORM 71 – SENTENCE INCLUDING ANCILLARY ORDERS**

---

*Criminal Law (Compensation) Act*

(*Note: merge this form into the sentence of imprisonment, if considered appropriate.*)

AND FURTHERMORE the offender shall compensate the victim ..... (*name*) in the following manner and amount ..... (*give particulars as per Criminal Law (Compensation) Act, s 6*)

*Criminal Code, s 600*

AND FURTHERMORE the offender’s movement is restricted in that he/she .....  
 (*state restrictions as per Criminal Code, s 600*).

Date: .....

.....  
 JUSTICE .....

**FORM 72 – PROBATION ORDER**

---

To: ..... (offender) of ..... (address). Whereas you have been convicted of the offence of ..... (state particulars) by the National Court sitting at ..... (place), the Court hereby SUSPENDS ..... (all or part of, specify) the sentence prescribed by the order of date and orders that you be placed on probation until ..... (specify end of period of sentence/probation) subject to the following conditions (strike out where appropriate or insert other conditions where appropriate, see Probation Act, ss 17 and 18):

- (1) must by ..... (date) pay ..... (amount) compensation to the victim, ..... (name) to be supervised, witnessed and documented by the Probation Office and ..... (specify other supervising bodies, agents);
- (2) must appear before the National Court at ..... on ..... (date) at ..... to prove compliance with condition (1);
- (3) must reside at ..... (specify address and exact place of residence to which the probationer is to go until contacted by a probation officer) and nowhere else except with the written approval of the National Court;
- (4) must perform at least three hours unpaid community work each week, to be arranged through the Probation Office;
- (5) must attend their Church every weekend for service and worship and assist the church in its community activities;
- (6) must report to a probation officer as and when required by the probation officer to do so;
- (7) must not consume alcohol or drugs;
- (8) must keep the peace and be of good behaviour;
- (9) must have a satisfactory probation report submitted to the National Court Registry at ..... and appear before the Court for probation review as and when required;
- (10) if the offender breaches any one or more of the above conditions, he or she shall be brought before the National Court to show cause why he or she should not be detained in custody to serve the rest of the sentence.

Dated: .....

BY THE COURT

Probationer's statement: I understand all these conditions and promise to comply with them, and I understand that if I do not comply, my probation can be cancelled and I can go to prison.

Probationer's signature: ..... Date: .... / ..... / .....

**FORM 73 – ORDER AS TO DISQUALIFICATION FROM DRIVING, CRIMINAL CODE, SECTION 330(2)**

---

AND FURTHERMORE, pursuant to s 330(2)(a) of the *Criminal Code*, the offender is, with effect from ..... (date), disqualified absolutely [or for a period of ..... years] from holding or obtaining a driver's licence to operate a motor vehicle.

The Registrar of the National Court shall forthwith transmit a sealed copy of this order to:

- (a) the Commissioner of Police;
- (b) the Superintendent of Traffic;
- (c) the Officer-in-Charge of Traffic Matters for ..... Province; and
- (d) the Police Station Commander, .....

Date: .....

.....  
JUSTICE .....

**FORM 74 – ORDER AS TO SUSPENSION OF EXECUTION OF SENTENCE, CRIMINAL CODE, SECTIONS 601(1)(b) OR 601(3)**

---

Order under s 601(1)(b):

FURTHERMORE execution of the sentence is pursuant to s 601(1)(b) of the *Criminal Code* suspended on the offender entering into a recognisance in accordance with s 601(2) in the amount of ..... (Kina), subject to the conditions that the offender is of good behaviour and complies with other conditions, viz ..... (here set out any other conditions) for a period of ..... (state the period of recognizance pursuant to s 601(2)). OR

Order under s 601(3):

FURTHERMORE, in relation to the sentence of ....., pursuant to s 601(3) of the *Criminal Code* the offender shall be imprisoned for ..... (state portion of sentence for which the offender is imprisoned) and execution of the remaining portion of the sentence is suspended on the offender entering into a recognisance in accordance with s 601(4), viz ..... (state the period of recognizance pursuant to s 601(2)).

Date: .....

.....  
JUSTICE .....

**FORM 75 – ORDER AS TO DISCHARGE WITHOUT PUNISHMENT, CRIMINAL CODE,  
SECTION 602(1)**

---

The offender, ..... (*name*), having been summarily convicted of an offence relating to property, viz ..... (*describe offence*) is discharged from punishment upon his/her making satisfaction to the person aggrieved, ..... (*name of person aggrieved*) for damages in the sum of ..... (*Kina*) and costs in the sum of ..... (*Kina*), by ..... (*date*).

Date: .....

.....  
JUSTICE .....

**FORM 76 – ORDER AS TO HABITUAL CRIMINAL, CRIMINAL CODE, SECTION 606**

---

SECTION 606(1): WHEREAS the offender, ..... (*name*), has been convicted on indictment of an offence against a provision of Division IV.2 viz offence(s) under ..... (*describe offence and provision*) and has been previously so convicted on indictment on at least two occasions of any of those offences, it is declared that the offender is a habitual criminal.

SECTION 606(2): WHEREAS the offender, ..... (*name*), has been convicted on indictment of an offence against a provision of Division III.7, Division V.4, Subdivision VI.1.A, B, C, D, E or F, Division VI.2.A, Subdivision VI.3.A, or Subdivision VI.3.C, viz offence(s) under ..... (*describe offence and provision*), and has been previously convicted on indictment on at least three occasions of an offence against any provision of Division III.7 or IV.2 or any provision of Division V.4, Subdivision VI.1.A, B, C, D, E or F, Division VI.2.A, Subdivision VI.3.A, or Subdivision VI.3.C, viz offence(s) under ..... (*describe offence and provision*), it is declared that the offender is a habitual criminal.

SECTION 606(3): WHEREAS the offender, ..... (*name*), has been previously convicted on indictment on at least two occasions of an offence against any provision of Division III.7 or IV.2 or any provision of Division V.4, Subdivision VI.1.A, B, C, D, E or F, Division VI.2.A, Subdivision VI.3.A, or Subdivision VI.3.C, viz offence(s) under ..... (*describe offence and provision*), and has been previously convicted summarily on at least two occasions of an offence punishable by imprisonment for not less than three months viz offence(s) under ..... (*describe offence and provision*) and has been convicted summarily of an offence punishable by imprisonment for not less than three months viz offence(s) under ..... (*describe offence and provision*), it is declared that the offender is a habitual criminal.

SECTION 606(4): WHEREAS the offender, ..... (*name*), has been convicted of an offence against any provision of the *Summary Offences Act* (Chapter 264) or the *Vagrancy Act* (Chapter 268) viz offence(s) under ..... (*describe offence and provision*), and has been previously convicted on at least four occasions of an offence against any provision of any of those Acts, it is ordered that the offender shall be brought before the National Court or a Judge to be dealt with as a habitual criminal.

Date: .....

.....  
JUSTICE .....

**FORM 77 – SENTENCE OF DEATH**

---

The offender, ..... (*name*), having been convicted of .....  
(*describe offence and provision contravened*) is sentenced to death.

AND FURTHERMORE note that the pre-sentence period in custody is ..... years, ..... months,  
..... weeks, ..... days.

Date: .....

.....  
JUSTICE .....

**FORM 78 – ORDER RE RESTITUTION OF PROPERTY, CRIMINAL CODE, SECTION 623A**

---

WHEREAS the offender, ..... (*name*), has been convicted on indictment of an offence of  
which the unlawful acquisition of property by the offender is an element and the offender has been  
prosecuted on the complaint of the owner of that property or a person on whom the right to that property  
has devolved by operation of law, it is ordered that that property be restored to its owner.

Date: .....

.....  
JUSTICE .....

**ORDER 79 – WARRANT OF COMMITMENT**

---

TO the Commissioner of the Correctional Service and to all members of the Police Force and to the officer in charge of the Correctional Institution at .....

At the criminal sittings of the National Court of Justice at ..... on .... day of ..... 20..... AB of ..... (*the offender*) was convicted of ..... (*note: state convictions, not charges*) and sentenced as follows (*note: if multiple convictions, do not state what sentences are allocated to each sentence or whether sentences are to be served cumulatively or concurrently*):

<b>Length of sentence imposed</b>	..... years .....
<b>Pre-sentence period to be deducted</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Resultant length of sentence to be served</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Amount of sentence suspended</b>	..... years, ..... months, on condition that ( <i>summarise or cross-refer to a document setting out conditions</i> )
<b>Time to be served in custody</b>	..... years, ..... months, ..... weeks, ..... days,
<b>Place of custody</b>	..... Correctional Institution

YOU ARE COMMANDED TO CONVEY the offender to this Correctional Institution and deliver him/her together with this warrant to the officer in charge thereof.

YOU ARE FURTHER COMMANDED TO RECEIVE the offender into your custody and imprison him/her in this Correctional Institution in hard/light labour for the time to be served in custody, calculated from the date of this warrant.

Date: .....

.....  
 JUSTICE .....

**FORM 80 – WARRANT OF ARREST OF OFFENDER UNDER SENTENCE**

---

TO ALL MEMBERS OF THE POLICE FORCE

Whereas the offender, ....., was sentenced on the ... day of ..... 20.... by the National Court at ..... (*place*) after being convicted of ..... (*set out offences*),

AND was committed to custody [or placed on probation, subject to conditions]

AND is believed on reasonable grounds to have escaped from custody [or to have breached the conditions of their probation],

YOU ARE COMMANDED TO ARREST the offender and bring the offender before a Magistrate or Judge to be dealt with according to law;

AND IN THE EVENT that the offender is not arrested before the next call-over of criminal matters at the place of the hearing of this matter, the arresting officer of the accused or a senior member of the Criminal Investigation Division of the Police Force with sufficient knowledge of the case shall appear before the Court and explain the steps taken to arrest the offender and why the warrant has not been executed.

Date: .....

.....  
JUSTICE .....

**FORM 81 – ORDER AS TO REVOCATION OF SUSPENDED SENTENCE**

---

WHEREAS the probationer,....., having been sentenced on the ..... day of ..... 20..... by the National Court at ..... (*place*) after being convicted of ..... (*set out offences*), and all [or part of] the sentence being suspended [or being placed on probation] for the period from ..... (*date*) to ..... (*date*) on conditions including that (*describe conditions allegedly breached*); and

WHEREAS the Court is satisfied that the offender may have [or has] breached those conditions,

IT IS ORDERED that:

A warrant for the arrest of the offender be issued so that the offender is brought before the Court to be dealt with according to law; or

The suspended sentence/probation is revoked and the offender shall be committed to custody to serve the balance of the sentence, being a period of ..... years, ..... months, ..... weeks, ..... days.

Date: .....

.....

JUSTICE .....

**FORM 82 – CERTIFICATE FOR OPENING OF FILE AFTER SENTENCE**

---

I certify that it is appropriate that a new file, with the file reference CR (RC), be opened to deal with matters arising from a completed criminal proceeding ..... (*give particulars re the completed proceedings: file reference, description of proceedings, final order of Court*), those matters being ..... (*describe the application or routine review etc that needs to be processed, which warrants opening a new file*).

Date: .....

.....

JUSTICE ..... (OR REGISTRAR OR DELEGATE OF REGISTRAR)

**FORM 83 – ANTECEDENT REPORT**

---

- (1) NAME .....  
*(Surname/Father's name)* *(Baptismal/First Name)*
- (2) PLACE OF BIRTH .....  
*(Village/Town)* *(District)* *(Province)*
- (3) DATE OF BIRTH .....
- (4) PLACE OF RESIDENCE .....  
*(Village/Town)* *(District)* *(Province)*  
*(If Town, Street No and Lot & Section Nos)*
- (5) PLACE OF RESIDENCE .....  
 AT TIME OF OFFENCE *(Village/Town)* *(Sub-Province)* *(Province)*  
*(If Town, Street No and Lot & Section Nos)*
- (6) HOW LONG LIVED AT THIS ADDRESS?
- (7) PARTICULARS OF ACCUSED:  
 (a) Education:                  Baptised:                  Mission:  
 (b) Employment History  
 (c) Family and relationships details

**PRIOR CONVICTIONS**

<b>Date</b>	<b>Court</b>	<b>Offence</b>	<b>Sentence</b>
-------------	--------------	----------------	-----------------

Date: .....

.....  
 INVESTIGATING OFFICER