

THE NORTHERN TERRITORY OF AUSTRALIA

No. 142 of 1979

AN ACT

To amend the Criminal Law and Procedure Act

[Assented to 12 December 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Criminal Law and Procedure Act (No. 3) 1979.

Short title

2. Where an indictment has been presented prior to the commencement of this Act it may be dealt with under the Criminal Law and Procedure Act as amended by this Act.

Transitional

3. Section 13 of the Criminal Law and Procedure Act is repealed and the following section substituted:

"13.(1) Subject to section 121A of the Justices Act, indictable offences against the laws of the Territory shall be prosecuted by indictment in the name of the Attorney-General or a person appointed by the Attorney-General in that behalf.

Prosecution on indictment

"(2) Where an indictment has been presented, the Attorney-General, or a person appointed by the Attorney-General in that behalf, may decline to proceed further in the prosecution and, if the accused person is in custody may, by warrant under his hand, direct that the accused person be released from custody, and the accused person shall be discharged accordingly."