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1981, No. 47

An Act to declare the New Zealand Ensign to be the New Zealand Flag and to make provision relating to its use and to the use of certain other flags, and to make better provision for the protection of certain names and emblems of Royal, national, international, commercial, or other significance [*15 October 1981*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Flags, Emblems, and Names Protection Act 1981.

(2) This Act shall come into force on the 1st day of January 1982.

2. Interpretation—In this Act, unless the context otherwise requires,—

"Coat of Arms" or "arms" means any object or figure, being a symbolic representation displayed in colours on a shield in conformity with the principles and rules of heraldry, with or without any crown, helmet, mantling, supporters, motto, or other accessories:

"Emblem" means any device, seal, mark, trade mark, badge, symbol, design, logotype, or other distinctive sign of identification; and includes any representation thereof, whether on any flag, banner, sign, or other printed or written material, or by way of any pictorial representation or other visual image, or otherwise:

"Government department" means any department, office, corporation, agency, or instrument of any kind of the legislative or executive or judicial Government of New Zealand; and includes any officer of the Crown:

"Minister" means the Minister of Internal Affairs:

"The New Zealand Red Ensign" means the red ensign usually worn by merchant ships registered in the United Kingdom, with the addition on the fly thereof of the Southern Cross as represented by 4 5-pointed white stars:

"The New Zealand White Ensign" means the flag described in the Schedule to the New Zealand White Ensign Regulations 1968 (S.R. 1968/93):

"Proper name", in relation to any town or road or other place, means the name assigned or approved in respect of that place by the New Zealand Geographic Board or the Surveyor-General or a territorial authority under any Act:

"Registering authority" includes—

(a) The Registrar of Incorporated Societies under the Incorporated Societies Act 1908:

(b) The Registrar of Industrial and Provident Societies under the Industrial and Provident Societies Act 1908:

(c) The Registrar of Trade Unions under the Trade Unions Act 1908:

(d) The Registrar of Friendly Societies under the Friendly Societies Act 1909:

(e) The Commissioner of Designs under the Designs Act 1953:

(f) The Commissioner of Patents under the Patents Act 1953:

(g) The Commissioner of Trade Marks under the Trade Marks Act 1953:

(h) The Registrar of Companies under the Companies Act 1955:

(i) The Registrar of Incorporated Societies under Part II of the Charitable Trusts Act 1957:

(j) The Registrar of Building Societies under the Building Societies Act 1965:

(k) The Registrar of Industrial Unions under the Industrial Relations Act 1973;—

and also includes any other officer acting on behalf of any officer referred to in any of paragraphs (a) to (k) of this definition:

"Representation", in relation to any emblem or coat of arms, means any printed or other visual representation of the emblem or coat of arms:

"Royal" means relating to Her Majesty or any other member of the Royal Family:

"The Royal New Zealand Air Force Ensign" means the flag described in the notice published in the *Gazette* on the 14th day of September 1939 at page 2496 under the heading "Royal New Zealand Air Force Ensign".

3. Act to bind Crown—This Act binds the Crown.

4. Administration of Act—(1) This Act, except section 20, shall be administered in the Department of Internal Affairs.

(2) Section 20 of this Act shall be administered in the Department of Justice.

PART I

The New Zealand Flag and Ensigns

5. New Zealand Ensign declared to be New Zealand flag—(1) The flag hitherto known as the New Zealand Ensign, being the flag depicted in the First Schedule to this Act, is hereby declared to be the New Zealand Flag.

(2) The New Zealand Flag shall be the symbol of the Realm, Government, and people of New Zealand.

(3) The New Zealand Flag—

(a) Shall be the national flag of New Zealand for general use on land within New Zealand and, where appropriate for international purposes, overseas:

(b) Shall be the proper national colours to be worn by all New Zealand Government ships, and by such other New Zealand ships as may for the time being be authorised to wear the New Zealand Flag by or under regulations made under the Shipping and Seamen Act 1952.

Cf. The Flags Act 1953 (Aust), s. 3; 1952, No. 49, s. 5 (1) (2)

6. Ensigns of New Zealand—Subject to section 8 of this Act, nothing in this Part of this Act shall derogate from the use ascribed to—

(a) The New Zealand White Ensign by regulation 2 (2) of the New Zealand White Ensign Regulations 1968 (S.R. 1968/93), which requires that flag to be worn by ships of the New Zealand Naval Forces and flown on naval establishments in accordance with Defence Council Orders issued under the Defence Act 1971:

(b) The New Zealand Red Ensign by section 6 of the Shipping and Seamen Act 1952, which declares that flag to be the marine flag of New Zealand and the proper national colours to be worn by all New Zealand ships except New Zealand Government ships, and those ships that are for the time being allowed to wear any other national colours in pursuance of a Warrant of Her Majesty or authorised to wear the New Zealand Flag by or under regulations made under section 5 of that Act:

(c) The Royal New Zealand Air Force Ensign, by Defence Council Orders issued under the Defence Act 1971.

7. Customs flag—Nothing in this Part of this Act shall derogate from the use ascribed to the Customs flag by section 11 of the Customs Act 1966.

8. Saving of Her Majesty's powers to approve alteration of New Zealand Flag—Nothing in this Part of this Act shall limit or affect Her Majesty's powers to approve, or authorise the approval of, the alteration of the New Zealand Flag for any official purposes by the placement thereon of any letter, emblem, or representation.

Cf. The Flags Act 1953 (Aust), s. 6

9. Use of alternative flags—(1) Notwithstanding anything in this Part of this Act or in any other Act but subject to subsection (2) of this section, the Governor-General may authorise the use on land—

(a) Of the New Zealand White Ensign instead of the New Zealand Flag where such use would have naval significance; or

(b) Of the New Zealand Red Ensign instead of the New Zealand Flag where such use would have maritime significance.

(2) The Governor-General shall not authorise any such use otherwise than on the joint recommendation of the Minister of Internal Affairs and the Minister of Defence in a case to which paragraph (a) of subsection (1) of this section applies, or of the Minister of Internal Affairs and the Minister of Transport in a case to which paragraph (b) of that subsection applies.

(3) Nothing in this Part of this Act or in any other Act shall limit or affect the customary use of the New Zealand Red Ensign (with or without the placement thereon of any letter, emblem, or representation) on places or occasions of Maori significance.

10. Rules relating to flying of New Zealand Flag—(1) The Minister of Internal Affairs may from time to time, either generally or in any particular case, by notice in the *Gazette* or otherwise, in relation to Government land or buildings, prescribe—

(a) The days or occasions on which and the times during which the New Zealand Flag shall be flown:

(b) The manner in which the New Zealand Flag is to be flown, including the precedence it is to be accorded in relation to other specified flags or classes of flags:

(c) Without detracting from the general design depicted in the First Schedule to this Act, the standard sizes, dimensions, proportions, and colours of the New Zealand Flag for all or any purposes or in all or any circumstances.

(2) The Minister may, either in any notice issued under subsection (1) of this section or otherwise, set out for general information and guidance rules of conduct and the etiquette to be followed in the flying or other use of the New Zealand Flag; but no such rules shall have the force of law.

(3) The notice referred to in Part A of the Second Schedule to this notice, which may hereafter be cited as the New Zealand Flag Notice 1977, shall be deemed for the purposes of this section to have been given under subsection (1) of this section.

Cf. The Flags Act 1953 (Aust), s. 7

11. Offences involving New Zealand Flag—(1) Every person commits an offence against this Act who,—

(a) Without lawful authority, alters the New Zealand Flag by the placement thereon of any letter, emblem, or representation:

(b) In or within view of any public place, uses, displays, destroys, or damages the New Zealand Flag in any manner with the intention of dishonouring it.

(2) In this section "the New Zealand Flag" means any flag of the design depicted in the First Schedule to this Act or of any other design that so closely resembles it as to be likely to cause any person to believe that it is the design depicted in that Schedule.

(3) In any prosecution for an offence against this section the onus of proving that any alteration of the New Zealand flag was lawfully authorised shall be on the defendant.

Cf. 1952, No. 49, s. 5 (4)

PART II

Royal, Vice-Regal, State, and Heraldic Emblems and Names

12. Unauthorised use of Royal and vice-regal emblems—(1) Every person commits an offence against this Act who, without the authority of Her Majesty or (as the case may require) the Governor-General, displays or exhibits or otherwise uses any representation to which this subsection applies

in such a manner as to be likely to cause any person to believe that he does so under the authority, sanction, approval, appointment, or patronage of Her Majesty or the Governor-General.

(2) Subsection (1) of this section applies to the following:

(a) Any representation of the Coat of Arms of Her Majesty or any other member of the Royal Family:

(b) Any representation of any Royal crown or Royal coronet or Royal cypher or Royal badge:

(c) Any representation of the Royal Standard, or the Sovereign's personal flag for New Zealand:

(d) Any representation of the Governor-General's flag:

(e) Any representation that so closely resembles any thing referred to in any of paragraphs (a) to (d) of this subsection as to be likely to cause any person to believe that it is that thing.

(3) In any prosecution for an offence against this section the onus of proving that any representation was used with the authority of Her Majesty or the Governor-General shall be on the defendant.

(4) Nothing in this section shall limit or affect—

(a) The Commercial Use of Royal Photographs Rules 1962 (S.R. 1962/81):

(b) Section 18 (1) (b) of the Trade Marks Act 1953 (which relates to the representation in trade marks of Her Majesty or any members of the Royal Family).

13. Unauthorised use of State emblems—(1) Subject to subsection (3) of this section, every person commits an offence against this Act who displays or exhibits or otherwise uses any representation to which this subsection applies in such a manner as to be likely to cause any person to believe that he does so under the authority, sanction, approval, appointment, or patronage of Her Majesty's Government, or of any Minister of the Crown, or of any Government department.

(2) Subsection (1) of this section applies to the following:

(a) Any representation of the Coat of Arms of New Zealand:

(b) Any representation of the Seal of New Zealand:

(c) Any representation of any emblem or official stamp of any Government department:

(d) Any representation that so closely resembles any thing referred to in any of paragraphs (a) to (c) of this subsection as to be likely to cause any person to believe that it is that thing.

(3) Subsection (1) of this section does not apply to the use of any representation—

(a) Authorised by or under any other Act; or

(b) With the prior written consent of the Minister; or

(c) By an officer of the Crown acting in the course of his official duties.

14. Unauthorised use of words suggesting Royal or government patronage—(1) Subject to subsection (4) of this section, every person commits an offence against this Act who—

(a) Causes any association (whether incorporated or unincorporated) to be formed under any name, title, style, or designation that includes any word or statement to which this subsection applies; or

(b) Publicly uses in connection with any business, trade, or occupation any word or statement to which this subsection applies.

(2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation that includes any word or statement to which subsection (1) of this section applies.

(3) Subsection (1) of this section applies to the following:

(a) The word "Royal":

(b) The word "Government":

(c) Any other word or statement that claims or implies the patronage of—

(i) Her Majesty or any other member of the Royal Family; or

(ii) The Governor-General; or

(iii) The House of Representatives; or

(iv) The Government; or

(v) Any Minister of the Crown; or

(vi) Any Government department:

(d) Any word or statement that claims or implies connection with any society or body incorporated by Royal Charter.

(4) Subsection (1) of this section does not apply to the use of any word or statement—

(a) Expressly authorised by or under any other Act, or by—

(i) Her Majesty or the Governor-General in any case to which paragraph (a) of subsection (3) of this section applies; or

(ii) Her Majesty, in any case to which subparagraph (i) of paragraph (c) of that subsection applies; or

(iii) The Governor-General, in any case to which subparagraph (ii) of that paragraph applies; or

(iv) The Speaker of the House of Representatives, in any case to which subparagraph (iii) of that paragraph applies; or

(v) The Minister of Internal Affairs, in any case to which paragraph (b) of subsection (3) of this section or subparagraph (iv) of paragraph (c) of that subsection applies; or

(vi) The appropriate Minister of the Crown, in any case to which subparagraph (v) or subparagraph (vi) of paragraph (c) of subsection (3) of this section applies; or

(b) That comprises the whole or part of the proper name of any town or road or other place, and that name is or is to be used in full by the association or (as the case may be) the person engaging in the business, trade, or occupation; or

(c) That is the surname (not being a surname taken or used for the purpose of defeating the intention of this section) of a foundation member of the association or (as the case may be) of the person engaging in the business, trade, or occupation.

15. Advertisements claiming Government patronage—(1) Without limiting section 14 of this Act, every person (in this subsection called the advertiser) commits an offence against this Act who publishes or causes to be published any advertisement that is likely to cause any person to believe, contrary to the fact, that the advertiser—

(a) Has supplied, or is supplying, or is to supply, any goods or services to any Government department; or

(b) Has carried out, or is carrying out, or is to carry out, any work for any Government department.

(2) In this section the term "advertisement" means any words, whether written or printed or spoken, and any pictorial representation or design or device, and any visual image, used to notify the availability or explain the use or promote the sale of any goods or services, or to obtain work.

PART III

Provisions Relating to Certain Other Names, Emblems, and Words

16. Unauthorised use of name and emblem of United Nations and other international organisations—(1) Every person commits an offence against this Act who displays or exhibits or otherwise uses the name or emblem of the United Nations, or any word or words that incorporate that name or any such abbreviation or variation, without the authority of the Secretary-General of the United Nations.

(2) The Minister of Internal Affairs may from time to time, after consultation with any other appropriate Minister, by notice in the *Gazette*, prohibit, regulate, or control the use of any emblem or name of—

(a) Any specialised agency brought into relationship with the United Nations in pursuance of Article 57 of the Charter of the United Nations; or

(b) Any other international organisation or authority.

(3) Every person commits an offence against this Act who uses any name or emblem in contravention of any provision of a notice given under subsection (2) of this section.

(4) In any prosecution for an offence against subsection (1) of this section, the onus of proving that the act complained of was done with the authority of the Secretary-General of the United Nations shall be on the defendant.

(5) The notices specified in Part B of the Second Schedule to this Act shall be deemed for the purposes of this section to have been given under subsection (2) of this section and shall continue in force notwithstanding the repeal by the Summary Offences Act 1981 of the Police Offences Act 1927 and section 38 of the Statutes Amendment Act 1948.

17. Use of the word "Anzac"—(1) The Governor-General may from time to time, by Order in Council, prohibit, regulate, or control the use in connection with any business, trade,

or occupation of the word "Anzac" or of any other word that so closely resembles the word "Anzac" as to be likely to deceive or mislead any person.

(2) Every person commits an offence against this Act who uses the word "Anzac" or any other word that so closely resembles the word "Anzac" as to be likely to deceive or mislead any person in contravention of any provision of an order made under subsection (1) of this section.

(3) The notices specified in Part C of the Second Schedule to this Act shall be deemed for the purposes of this section to be orders made under subsection (1) of this section.

18. Unauthorised use of name "Returned Services' Association"—(1) Subject to subsection (3) of this section, every person commits an offence against this Act who causes any association (whether incorporated or unincorporated) to be formed—

(a) Under the name, title, style, or designation of "Returned Services' Association" or any other name, title, style, or designation that includes those words or the words "Returned Services"; or

(b) Under any name, title, style, or designation that contains the initials "R.S.A." if the use of that name is likely to lead any person to believe that the association consists of returned servicemen.

(2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation referred to in paragraph (a) or paragraph (b) of subsection (1) of this section.

(3) Subsections (1) and (2) of this section do not apply to the use of any name, title, style, or designation—

(a) With the prior consent of the Governor-General in Council:

(b) By—

(i) The New Zealand Returned Services' Association Incorporated; or

(ii) Any association of which at least half the members are returned servicemen that is a member of or is affiliated to that Association; or

(iii) Any branch of any such association; or

(iv) Any association of which at least half the members are returned servicemen, current servicemen, or former servicemen and which has been

approved for the purposes of this section by the New Zealand Returned Services' Association Incorporated:

(c) By any association that was registered before the passing of the Police Offences Amendment Act 1956 if the association was formed under the name, title, style, or designation or was using the name, title, style, or designation immediately before the passing of that Act.

19. Protection of names, uniforms, etc., of Girl Guides Association and Toc H, Incorporated—(1) Every person commits an offence against this Act who uses—

(a) Any name, designation, uniform, or badge to which this subsection applies; or

(b) Any name, designation, uniform, or badge that so closely resembles any name, designation, uniform, or badge to which this subsection applies in such a manner as to be likely to lead any person to believe that it is such a thing,—

without the authority of the Girl Guides Association or (as the case may require) Toc H, Incorporated.

(2) Subsection (1) of this section applies to—

(a) The name "Girl Guides Association" and the names, designations, and badges specified in the Schedule to the first order referred to in Part D of the Second Schedule to this Act:

(b) The name "Toc H" and the button-badge described in paragraph (b) of the second order referred to in Part D of that Schedule.

(3) The orders referred to in Part D of the Second Schedule to this Act shall be deemed to have been made under this Act and shall continue to have effect according to their tenor notwithstanding the repeal by section 27 of this Act of the Chartered Associations (Protection of Names and Uniforms) Act 1930.

(4) The Governor-General may from time to time, by Order in Council made on the advice of the Minister and at the request of the Girl Guides Association or (as the case may require) Toc H, Incorporated,—

(a) Amend either or both of the orders referred to in Part D of the Second Schedule to this Act, by adding to or deleting from the order any name, designation, uniform, or badge; or

(b) Revoke either or both of those orders, with or without making another order in substitution therefor.

20. Unauthorised use of certain commercial names—(1) Subject to subsections (4) and (5) of this section, every person commits an offence against this Act who—

(a) Causes any association (whether incorporated or unincorporated) to be formed under any name, title, style, or designation that includes any word to which this subsection applies; or

(b) Publicly uses in connection with any business, trade, or occupation any word to which this subsection applies.

(2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation that includes any word to which subsection (1) of this section applies, unless the association has been registered under that name, title, style, or designation in reliance on subsection (5) of this section.

(3) Subsection (1) of this section applies to the following:

(a) The word "Bank" or "Bankers" or "Banking", or any of those words as part of any other word:

(b) The word "D.S.I.R.":

(c) The word "Ruakura".

(4) Subsections (1) and (2) of this section do not apply to the use of any word where that use is expressly authorised by or under any other Act or by the Governor-General by Order in Council.

(5) A registering authority may authorise the registration of any association under any name, title, style, or designation that includes any word to which subsection (1) of this section applies if the Registrar is satisfied that—

(a) The word comprises the whole or part of the proper name of any town or road or other place, and that the name is or is to be used in full by the association; or

(b) The word is the surname (not being a surname taken or used for the purpose of defeating the intention of this section) of a foundation member of the company or incorporated society;—

and, in the context in which it is used or is intended to be used, is not likely to deceive any person.

PART IV

Miscellaneous Provisions

21. Registering authority not to register in certain cases—(1) Where any Act provides for the registration of any association, then, except as provided in section 20 (5) of this Act but notwithstanding anything in that Act, the registering authority shall not register any association under that Act under a name, title, style, or designation if the use by that association of that name, title, style, or designation, or of any word comprising part of that name, title, style, or designation, would constitute an offence against any of the provisions of this Act.

(2) Where any Act provides for the registration of any emblem, then, notwithstanding anything in that Act, the registering authority shall not register any emblem on the application of any person if the use of that emblem by that person would constitute an offence against any of the provisions of this Act.

22. Existing rights protected—Nothing in this Act shall prohibit or affect the use by any person of any emblem, name, representation, or word if, immediately before the commencement of this Act, that use was expressly authorised by any consent, permission, approval, or authority given by any person lawfully entitled to give it.

23. Emblems and names protected under other Acts—Nothing in this Act shall limit or affect any of the enactments specified in the Third Schedule to this Act relating to the protection of various emblems and names.

24. General penalty—Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding $500 and, where the offence is a continuing one, to a further fine not exceeding $50 for every day during which the offence has continued.

25. Consent of Attorney-General required to certain prosecutions—No information for an offence against any of sections 11 to 15 of this Act shall be laid without the consent of the Attorney-General.

26. Liability of officers of associations—Where any association (whether incorporated or unincorporated) is guilty of an offence against this Act, every officer or other person concerned in the management of the association shall be guilty of a like offence if it is proved that the act that constituted the offence took place with his authority, permission, or consent, or that he knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

27. Amendments and repeals—(1) The enactments specified in the first column of the Fourth Schedule to this Act are hereby amended in the manner specified in the second column of that Schedule.

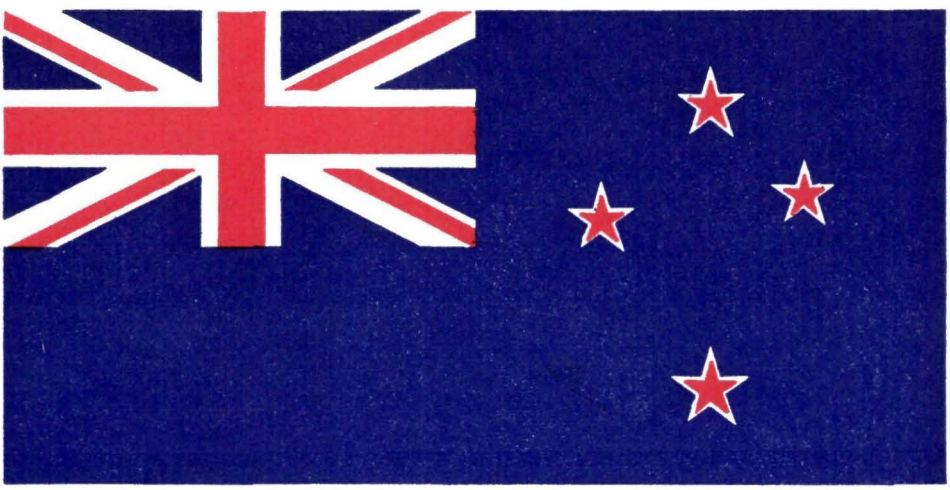
(2) The enactments specified in the Fifth Schedule to this Act are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 5 (1)

THE NEW ZEALAND FLAG



SECOND SCHEDULE

ORDERS AND NOTICES DEEMED TO HAVE BEEN MADE OR GIVEN UNDER THIS ACT

Section 10 (3) PART A

Title	Reference
Days on Which New Zealand Ensign is to be Flown on Government Buildings	*Gazette*, 1977, at page 643.

Section 16 (5) PART B

Title	Reference
Prohibition of Use of Emblem, Official Seal, or Name of the World Health Organisation	*Gazette*, 1950, at page 8.
The I.C.A.O. Official Emblem and Seal Notice 1958	*Gazette*, 1958, at page 174.
The International Atomic Energy Agency Name and Emblem Notice 1961	S.R. 1961/93.
The International Criminal Police Organisation Name Notice 1962	S.R. 1962/69.
The United Nations Educational, Scientific and Cultural Organisation Name and Emblem Notice 1966	S.R. 1966/12.
The World Bank Group Names and Emblems Notice 1966	S.R. 1966/13.
The World Meteorological Organisation Name and Emblem Notice 1968	S.R. 1968/126.

Section 17 (3) PART C

Title	Reference
Prohibiting the Use of the Word "Anzac"	*Gazette*, 1916, at page 2893.
Amending Notice as to the Use of the Word "Anzac"	*Gazette*, 1916, at page 3765.

Section 19 (2), (3) PART D

Title	Reference
Protection of Names, Badges, & c, of Girl Guides Association	*Gazette*, 1931, at page 1542.
Protection of Name and Badge of Toc H, Incorporated	*Gazette*, 1939, at page 2011.

THIRD SCHEDULE

Section 23

ENACTMENTS AND ORDERS (RELATING TO PROTECTION OF CERTAIN EMBLEMS, NAMES, AND WORDS) PRESERVED

Enactment or Order	Emblem, Name, or Words Protected
The Returned Services Associations Badge Order 1950 (*Gazette*, 1950, at p. 1870)	Badge of the Returned Services Associations.
The Prohibited Marks Order 1957 (S.R. 1957/179)	Green Cross for Safety symbol.
The Geneva Conventions Act 1958: section 8	Red Cross or Geneva Cross. Red Crescent. Red Lion and Sun.
The Post Office Act 1959: section 65	"On Her Majesty's Service".
The Post Office Act 1959: section 235	"Post Office". "Royal Mail".
The Prohibited Marks Order 1961 (S.R. 1961/120)	Symbol of the International Olympic Committee.
The Standards Act 1965: section 29	"Standard". "New Zealand Standard".
The Consumer Council Act 1966: section 35	"Consumer Council".
The Industrial Design Act 1966: section 30	"Consumers Institute". "Industrial Design Council". "Industrial Design Institute".
The Scout Association of New Zealand Amendment Act 1967: section 5	"Scout Association".
The Children's Health Camps Act 1972: section 39	Emblem of the King George the Fifth Memorial Children's Health Camps Federation.
The Development Finance Corporation Act 1973: section 32	"Development Finance Corporation of New Zealand".
The Housing Corporation Act 1974: section 43	"Housing Corporation of New Zealand".
The New Zealand Export-Import Corporation Act 1974: section 30	"New Zealand Export-Import Corporation".
The Rural Banking and Finance Corporation Act 1974: section 44	"Rural Banking and Finance Corporation of New Zealand".
The Tourist Hotel Corporation Act 1974: section 3	"Tourist Hotel Corporation of New Zealand".
The Local Government Act 1974: section 696	Coats of Arms of city, borough, county, district, town, regional, and united councils.

THIRD SCHEDULE—*continued*

ENACTMENTS AND ORDERS (RELATING TO PROTECTION OF CERTAIN EMBLEMS, NAMES, AND WORDS) PRESERVED—*continued*

Enactment or Order	Emblem, Name, or Words Protected
The Scientific and Industrial Research Act 1974: section 13A	Department of Scientific and Industrial Research. "DSIR".
The Commonwealth Games Symbol Protection Act 1974	The Xth British Commonwealth Games Symbol.
The Broadcasting Act 1976: section 15	Broadcasting Corporation of New Zealand.
The Building Performance Guarantee Corporation Act 1977: section 37	"Building Performance Guarantee Corporation of New Zealand".
The New Zealand Film Commission Act 1978: section 34	"New Zealand Film Commission".

FOURTH SCHEDULE

Section 27 (1)

ENACTMENTS CONSEQUENTIALLY AMENDED

Enactment	Amendment
1952, No. 49—The Shipping and Seamen Act 1952	By repealing subsection (1) of section 5, and substituting the following subsection: "(1) The New Zealand Ensign shall be the New Zealand Flag as depicted in the First Schedule to the Flags, Emblems, and Names Protection Act 1981." By repealing section 5 (2). By repealing section 5 (4).
1953, No. 64—The Patents Act 1953	By repealing section 107, and substituting the following section: **"107. Protection of Royal Arms, etc.—** The grant of a patent under this Act shall not in itself authorise the patentee to use or place on any patented article any representation specified in sections 12 to 15 of the Flags, Emblems, and Names Protection Act 1981."

FOURTH SCHEDULE—*continued*

ENACTMENTS CONSEQUENTIALLY AMENDED—*continued*

Enactment	Amendment
1953, No. 66—The Trade Marks Act 1953	By repealing paragraphs (a) to (i) of section 21 (1), and substituting the following paragraph: "(a) Any representation or word referred to in any of sections 12 to 15 of the Flags, Emblems, and Names Protection Act 1981:".
1955, No. 63—The Companies Act 1955	By repealing subsection (1) (d) of section 31. By repealing subsection (2) of that section, and substituting the following subsection: "(2) Except with the consent of the Governor-General in Council or as expressly provided in any Act other than this Act, no company shall be registered by a name which contains any word referred to in any of sections 12 to 15 and 20 of the Flags, Emblems, and Names Protection Act 1981."
1957, No. 13—The Archives Act 1957	By inserting, after section 23, the following section: "23A. **Protection of name**—(1) Except with the consent of the Governor-General in Council, no association of persons, whether a body corporate or not, shall exercise the functions for which it is formed under a name that contains the words 'National Archives'. "(2) Where any Act provides for the registration of any association of persons, the registering authority may refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by subsection (1) of this section. "(3) The provisions of this section shall, with the necessary modifications, apply to a person carrying on business under any name or style other than his own. "(4) Any association that, or person who, does any act in contravention of the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding $500."

FOURTH SCHEDULE—*continued*

ENACTMENTS CONSEQUENTIALLY AMENDED—*continued*

Enactment	Amendment
1972, No. 11—The National Art Gallery, Museum, and War Memorial Act 1972	By inserting, after section 30, the following section: "**30A. Protection of names**—(1) Except with the consent of the Governor-General in Council, no association of persons, whether corporate or not, shall exercise the functions for which it is formed under a name that contains the words 'National Art Gallery', 'National Museum', or 'National War Memorial'. "(2) Where any Act provides for the registration of any association of persons, the registering authority may refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by subsection (1) of this section. "(3) The provisions of this section shall, with the necessary modifications, apply to a person carrying on business under any name or style other than his own. "(4) Any association that, or person who, does any act in contravention of the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding $500."

FIFTH SCHEDULE

Section 27 (2)

ENACTMENTS REPEALED

1930, No. 15—The Chartered Associations (Protection of Names and Uniforms) Act 1930. (1957 Reprint, Vol. 1, p. 835.)
1939, No. 39—The Statutes Amendment Act 1939: section 57. (Reprinted 1973, Vol. 2, p. 1635.)
1948, No. 77—The Statutes Amendment Act 1948: section 38. (Reprinted 1973, Vol. 2, p. 1636.)

This Act is administered in the Department of Internal Affairs.