



ANALYSIS

Title
1. Short Title

2. Interim restrictions
3. Imposition of interim restrictions on appeal

1977, No. 79

An Act to amend the Indecent Publications Act 1963

[9 December 1977]

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—This Act may be cited as the Indecent Publications Amendment Act 1977, and shall be read together with and deemed part of the Indecent Publications Act 1963 (hereinafter referred to as the principal Act).

2. Interim restrictions—(1) Section 14A of the principal Act (as inserted by section 3 of the Indecent Publications Act 1972) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Every interim restriction order shall come into force on the day on which it is made and, unless sooner revoked, shall remain in force until—

“(a) The expiration of the period allowed by section 19 of this Act for appealing against the decision of the Tribunal; or

“(b) Where the decision of the Tribunal is the subject of an appeal under section 19 of this Act, that appeal has been finally determined by the Supreme Court.”

(2) The said section 14A is hereby consequentially amended by repealing subsection (8).

(3) The said section 14A is hereby consequentially amended by repealing subsection (9), and substituting the following subsection:

“(9) The Chairman or the Tribunal may on the *ex parte* application of any person interested or on his or its own motion revoke an interim restriction order. Every order under this subsection which revokes an interim restriction order shall be published in the *Gazette* and shall be advertised in such manner, and notified to such persons, as the Chairman or the Tribunal shall direct.”

3. Imposition of interim restrictions on appeal—The principal Act is hereby amended by inserting, after section 14A (as inserted by section 3 of the Indecent Publications Amendment Act 1972 and as amended by section 2 of this Act), the following section:

“14B. (1) Any party to any proceedings before the Tribunal who appeals to the Supreme Court under section 19 of this Act may at any time apply to that Court or a Judge on notice for an interim restriction order in respect of the book or sound recording which is the subject of the appeal.

“(2) Every interim restriction order made under this section shall come into force on the day on which it is made and, unless sooner revoked, shall remain in force until the appeal is finally determined by the Supreme Court.

“(3) The Supreme Court or a Judge may on the application on notice of any person interested or of its own motion revoke an interim restriction order made under this section. Every order under this subsection which revokes an interim restriction order shall be published in the *Gazette* and shall be advertised in such manner, and notified to such persons, as the Court or a Judge shall direct.

“(4) The provisions of subsections (5), (6), (7), and (11) of section 14A of this Act shall apply in respect of an interim restriction order made under this section in the same way as they apply in respect of an interim restriction order made under section 14A of this Act except that the reference in section 14A (6) of this Act to the Chairman shall be read as if it were a reference to a Judge of the Supreme Court.”