

Appendix 19 Reprint of this Act



ANALYSIS

- Title
1. Short Title and commencement
2. Interpretation

PART I

APPOINTMENT, PROMOTION, AND RESIGNATION OF MEMBERS OF THE POLICE

3. Commissioner
4. Assistant Commissioners
5. Chief Superintendents
6. Certain commissioned officers to hold office during pleasure of Governor-General
7. Other commissioned officers
8. Non-commissioned officers
9. Promotion to acting and temporary non-commissioned rank
10. Constables
11. Cadets
12. Temporary members of the Police
13. Promotion Board to recommend certain appointments and promotions
14. Appeal against recommendations for appointments
15. Provision in case of absence from duty
16. Resignation

PART II

POLICE SUPERANNUATION AND RETIREMENT

17. Interpretation
18. Contributors
19. Rates of contribution
20. Rates of contribution by existing contributors

21. Computation of contributory service
22. Transfer to or from Government Service
23. Reimbursement of Fund
24. No election to contribute in respect of certain employment
25. Special provisions as to service in island territories
26. Superannuation Act 1956 to apply
27. Age of retirement
28. Retirement of medically unfit
29. Commencement of this Part and repeals

PART III

GENERAL

Regulation and Discipline of Members

30. General instructions
31. Members not to engage in politics
32. Suspension pending hearing of charge
33. Inquiries as to breaches of duty
34. Appeal following inquiry into breach of duty
35. Dismissal
36. Appeal against dismissal

Miscellaneous Provisions as to Members of the Police

37. Oath to be taken
38. Execution of processes
39. Protection of members for acts pursuant to process
40. Member may appear in Court by another member
41. Evidence of right to hold office
42. Pensions in respect of death or dis-
ablement

43. Injuries in execution of duty
44. On termination of office, powers to cease

Promotion Board and Appeal Board

45. Promotion Board
46. Appeal Board
47. Nominated members of Appeal Board
48. Procedure of Appeal Board

Offences

49. Gaining admission to Police by false representations
50. Member failing to return property
51. Personation of member
52. Unlawful possession of police property
53. Failing to give assistance

54. Unlawful dealings with prisoners
55. Bribing members of the Police

Miscellaneous

56. Committees of Inquiry
57. Particulars for identification of person in custody
58. Magistrate may determine title to property
59. Unclaimed property
60. Limitation of actions
61. *Police Gazette*
62. Proceedings not to be quashed for want of form
63. Fines
64. Regulations
65. Annual report
66. Repeals and savings Schedules

1958, No. 109

An Act to consolidate and amend the law relating to the establishment and regulation of the Police of New Zealand
[3 October 1958]

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 Police Act 1958.

(2) Except as otherwise provided by section twenty-nine of this Act, this Act shall come into force on the first day of December, nineteen hundred and fifty-eight.

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

“Appeal Board” means the Police Appeal Board established by this Act:

“Commissioned officer” means any person appointed under this Act as a commissioned officer of Police:

“Commissioner” means the Commissioner of Police appointed under this Act:

“Minister” means the Minister in Charge of Police:

“Non-commissioned officer” means a member of the Police above the rank of constable and below the rank of commissioned officer:

“The Police” means the Police of New Zealand; and includes all members of either sex appointed to the Police under this Act:

“Promotion Board” means the Police Promotion Board established by this Act:

“Service organisation” includes the New Zealand Police Officers Guild Incorporated, the New Zealand Police Association Incorporated, and any other organisation from time to time prescribed by regulations under this Act as representing members of the Police or of any class or classes of members of the Police.

Cf. 1947, No. 13, s. 2; 1954, No. 32, s. 9

AMD. 196
No. s.

PART I

APPOINTMENT, PROMOTION, AND RESIGNATION OF MEMBERS OF THE POLICE

3. Commissioner—(1) The Governor-General may from time to time appoint a fit and proper person to be the Commissioner of Police, who shall have the general control of the Police.

(2) In the case of the absence from duty of the Commissioner (whether by reason of illness, absence from New Zealand, or for any other reason whatever) or in the case of a vacancy in the office of Commissioner (whether by reason of death, resignation, or otherwise) and for so long as any such absence or vacancy continues, the Assistant Commissioner longest in office as such shall have and may exercise all the powers, duties, and functions of the Commissioner.

Cf. 1947, No. 13, ss. 3, 4

4. Assistant Commissioners—(1) The Governor-General may from time to time appoint one or more fit and proper persons as Assistant Commissioners of Police.

(2) Each Assistant Commissioner shall have and may exercise such of the powers, authorities, duties, and functions of the Commissioner as the Commissioner may delegate to him either generally or in any particular case.

(3) The fact that an Assistant Commissioner exercises any power, authority, duty, or function, whether pursuant to this section or to section three of this Act, shall, in the absence of proof to the contrary, be sufficient evidence of his authority to do so.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Commissioner.

Cf. 1947, No. 13, s. 3A; 1954, No. 32, s. 2 (1)

5. Chief Superintendents—The Governor-General may from time to time appoint, from the commissioned officers for the time being holding the rank of Superintendent, such Chief Superintendents of Police as he considers necessary.

6. Certain commissioned officers to hold office during pleasure of Governor-General—The Commissioner, each Assistant Commissioner, and each Chief Superintendent shall hold office during the pleasure of the Governor-General.

Cf. 1947, No. 13, s. 3B; 1955, No. 2, s. 6 (1)

7. Other commissioned officers—The Minister may from time to time appoint such commissioned officers (other than the commissioned officers authorised to be appointed by the Governor-General under this Act) as he considers necessary.

Cf. 1947, No. 13, s. 5 (1); 1956, No. 36, s. 2 (1)

AMD. POL
No. s.

8. Non-commissioned officers—The Commissioner may from time to time appoint such non-commissioned officers as he considers necessary.

Cf. 1947, No. 13, s. 7

9. Promotion to acting and temporary non-commissioned rank—(1) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint to any non-commissioned rank in an acting capacity, any member of the Police who is partly qualified by examination for that appointment in such manner and to such extent as may be prescribed.

(2) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint to any non-commissioned rank in a temporary capacity, any member of the Police who is not qualified by examination for that appointment and has served in the Police for the prescribed period and attained the prescribed age.

(3) The Commissioner may at any time revoke any appointment made under this section.

(4) The provisions of section thirteen of this Act shall not apply to any appointment made under this section.

Cf. 1947, No. 13, s. 8c; 1956, No. 36, s. 5

10. Constables—(1) The Commissioner may from time to time appoint such constables as he considers necessary.

(2) Every person appointed under this section shall be on probation for a period of two years from the date of his appointment:

Provided that the Commissioner may at any time confirm any such appointment, or may, if he thinks fit, extend the period of probation of any constable for a period not exceeding six months.

(3) Every constable shall, during the period of his probation, hold office at the will of the Commissioner.

(4) Any appointment under this section shall be deemed to be confirmed if, at the date of the expiry of the period of probation, the appointment has not previously been confirmed or ended.

Cf. 1947, No. 13, s. 7

11. Cadets—(1) The Commissioner may from time to time, in accordance with and subject to the provisions of regulations made under this Act, appoint such cadets as he considers necessary.

(2) Cadets shall be members of the Police:

Provided that—

(a) No cadet shall have any of the powers, functions, or duties of a member of the Police under this Act or any other enactment or at common law:

(b) Except as provided by this Act or by regulations made under this Act and subject to any modifications prescribed by any such regulations, the provisions of this Act shall apply to cadets.

(3) Every cadet appointed under this section shall hold office at the will of the Commissioner.

Cf. 1947, No. 13, s. 8D; 1956, No. 36, s. 6

12. Temporary members of the Police—(1) The Minister may from time to time appoint as temporary members of the Police such commissioned officers (other than commissioned officers holding office during the pleasure of the Governor-General) as he considers necessary and the Commissioner may from time to time, with the approval of the

Minister, appoint as temporary members of the Police such non-commissioned officers and constables as he considers necessary.

(2) Subject to the provisions of this section and to such exceptions and modifications as may be prescribed by regulations made under this Act, the provisions of this Act and of any other enactment with respect to permanent members of the Police shall extend and apply to temporary members appointed under this section.

(3) Every temporary member of the Police appointed under this section shall hold office at the will of the Minister or, as the case may require, of the Commissioner.

Cf. 1947, No. 13, s. 8; 1956, No. 36, s. 3

13. Promotion Board to recommend certain appointments and promotions—(1) Subject to the provisions of this Act, every appointment under section seven or section eight of this Act, every appointment under section twelve thereof to any commissioned or non-commissioned rank, and every promotion of a member of the Police to any rank below the rank of Chief Superintendent, shall be made only on the recommendation of the Promotion Board.

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No. 13, s.
Subsection

(2) The Promotion Board shall consider all matters relating to any appointment, whether by way of promotion or otherwise, to which subsection one of this section applies and, subject to the provisions of this Act and of any regulations thereunder, shall recommend for appointment the person who, having regard to the duties of the position to be filled, is in the opinion of the Board the most efficient and suitable for appointment:

Provided that the Board shall not recommend a member for appointment if the appointment involves his promotion to a rank other than that immediately above the rank he holds at the time of the recommendation.

(3) No person other than a member of the Police shall be recommended for appointment pursuant to subsection one of this section, unless in the opinion of the Promotion Board no member then in the Police and available for appointment is fully qualified for that appointment and capable of carrying out efficiently the duties thereof.

(4) Every recommendation to which this section applies shall be notified by the Commissioner in the *Police Gazette* as soon as practicable after the date of the recommendation.

Cf. 1947, No. 13, ss. 8A, 25B (8), (9), (10); 1954, No. 32, ss. 3, 6

14. Appeal against recommendations for appointments—

(1) Any member of the Police, other than a constable on probation, a temporary member of the Police, or a cadet, shall have a right of appeal to the Appeal Board against any recommendation for appointment, whether by way of promotion or otherwise, to which subsection one of section thirteen of this Act applies:

Provided that no such member shall have a right of appeal if—

- (a) He was not eligible for the appointment; or
- (b) The recommendation was in respect of a rank equal to or lower than that held by him at the date of the recommendation; or
- (c) The vacancy to which the recommendation relates was notified to the Police in such manner as may be prescribed by regulations under this Act and he was not an applicant for the vacancy in accordance with any such regulations.

(2) Every appeal under this section shall be commenced by a notice of appeal delivered to the Commissioner within fourteen days after the date of the publication in the *Police Gazette* of the notice of the recommendation to which the appeal relates or within such extended time as the Commissioner may in any case allow.

(3) The Board shall hear and determine the appeal, and, if it allows an appeal, the appellant shall be appointed to the position to which the appeal relates and the recommendation to which the appeal relates shall be deemed to be cancelled.

Cf. 1947, No. 13, s. 25c (12), (13), (18); 1954, No. 32, s. 7 (1)

15. Provision in case of absence from duty—(1) In the case of the absence from duty of any member of the Police other than the Commissioner (whether by reason of illness or appointment to special duties or for any other reason whatever) or in the case of a vacancy (whether by reason of death, resignation, or otherwise), and from time to time while the absence or vacancy continues, or for any other special purpose, the Commissioner may authorise any member of the Police to exercise all the powers and duties, whether under this Act or any other Act, of any rank higher than his own, or may appoint any member of the Police temporarily to any higher rank, whether commissioned or non-commissioned.

(2) Any authority or appointment under this section may be given or made before the occasion arises or while it continues; and no such authority or appointment, and nothing done by any member of the Police acting pursuant to any such authority or appointment, shall be questioned in any proceedings on the ground that the occasion had not arisen or had ceased, or on the ground that the member had not been appointed to any rank to which the authority relates.

(3) The Commissioner may at any time revoke any authority given or any appointment made under this section.

(4) Nothing in section thirteen of this Act shall apply to any appointment under this section.

Cf. 1947, No. 13, s. 8B; 1956, No. 36, s. 4

16. Resignation—(1) No member of the Police may resign his office unless he has given to the Commissioner one month's notice in writing of his intention to resign, or has been authorised in writing by the Commissioner to resign.

(2) Except with the permission of the Commissioner, no member of the Police may withdraw any such notice of intention to resign.

(3) Where in the opinion of the Governor-General special circumstances require that no member of the Police shall resign without permission, he may, by Warrant under his hand, declare that no member shall resign except on the conditions set out in the Warrant.

(4) Any member who resigns his office otherwise than in accordance with the provisions of this section, or otherwise than in accordance with the provisions of a Warrant for the time being in force under this section, or who deserts from the Force, commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds, and to forfeit all pay then due or becoming due to him as a member of the Police.

Cf. 1947, No. 13, s. 11

PART II

POLICE SUPERANNUATION AND RETIREMENT

17. Interpretation—In this Part of this Act, unless the context otherwise requires,—

“Contributor” means a contributor to the Fund:

“Fund” means the Government Superannuation Fund established under the Superannuation Act 1956:

Terms and expressions defined in the Superannuation Act 1956 shall, when used in this Part of this Act, have the meaning so defined.

REP. 196
No. 54

18. Contributors—(1) Every person who at any time after the commencement of this Part of this Act becomes a member of the Police shall be a contributor to the Fund subject to this Part.

(2) Any member of the Police who at the commencement of this Part is not a contributor may elect to become a contributor subject to this Part at any time before the first day of July, nineteen hundred and fifty-nine:

Provided that any such member who has not made an election before that date shall not, while he remains a member, be entitled to become a contributor.

(3) Every member of the Police who is or becomes a contributor shall remain a contributor subject to the provisions of this Part during such time as he remains a member of the Police.

(4) Nothing in section twenty-eight of the Superannuation Act 1956 shall apply to a member of the Police.

19. Rates of contribution—The contribution to be made by a member of the Police shall be in accordance with the scale set out in the First Schedule to this Act and shall be deducted from his salary as the salary becomes payable from time to time.

20. Rates of contribution by existing contributors—The rate of contribution payable in respect of future service in the Police by any member of the Police who is a contributor to the Fund at the commencement of this Part shall be the appropriate rate payable under this Part having regard to his age at the date of the commencement of his contributory service.

21. Computation of contributory service—(1) Subject to the provisions of this Part of this Act, for the purpose of computing the length of contributory service of a member of the Police, every complete year of service in the Police shall be deemed to be one year and one-seventh:

Provided that where the contributory service of a member commenced before he attained the age of twenty-five years, every complete year of service in the Police shall, if necessary, be deemed to be increased by such proportion of a year, being

less than one-seventh, as would entitle the member, having regard to his age at the commencement of his contributory service, to forty years' contributory service at the age of sixty years if his contributory service had all been in the Police:

Provided also that every fraction of a year of contributory service in the Police shall, for the purpose of computing the length of contributory service, be deemed to be increased proportionately in accordance with this subsection.

(2) Notwithstanding the provisions of subsection one of this section, any member of the Police shall not on retirement be deemed to have completed more than forty years of contributory service during the period before the commencement of this Part unless his actual period of contributory service during that period is longer than forty years.

(3) Where a period of contributory service is partly in the Police and partly outside the Police, only the period served in the Police shall be computed in accordance with subsection one of this section.

(4) Nothing in this section shall apply to the computation of any period of contributory service unless the contributor is a member of the Police at the date of his death or retirement.

22. Transfer to or from Government service—(1) Where a contributing member of the Police transfers from the Police to another branch of the Government service, the rate of contribution payable in respect of his service in that branch shall be the appropriate rate payable under the Superannuation Act 1956 having regard to his age at the date of the commencement of his contributory service. In any such case the period of service in the Police shall be computed as if that service were ordinary contributory service in the branch to which the contributor transfers and he shall be entitled to a refund of an amount equal to the difference between his actual contributions and the contributions he would have paid if he had been employed in that branch during his service in the Police.

(2) Where a contributor transfers from another branch of the Government service to the Police, the rate of contribution payable by him in respect of his service in the Police shall be the appropriate rate payable under this Part, having regard to his age at the date of the commencement of his contributory service.

23. Reimbursement of Fund—(1) There shall be paid to the Government Superannuation Fund out of money appropriated by Parliament for the purpose such sum as is certified by the Government Actuary as being equal to the difference between the amount paid as contributions to the Fund by contributors who were members of the Police at the commencement of this Part and the amount that would have been paid by those contributors if this Part had then been in force.

(2) The amount certified under subsection one of this section shall be paid to the Fund by twenty equal annual instalments.

24. No election to contribute in respect of certain employment—A member of the Police contributing to the Fund under this Part of this Act may not, without the consent of the Commissioner and except on such terms and conditions as may be prescribed by the Minister of Finance, elect to contribute in respect of any training or service referred to in subsection two of section two of the Superannuation Act 1956.

25. Special provisions as to service in island territories—Where any period of contributory service of a member of the Police is computed in accordance with section fifty-one of the Superannuation Act 1956, the provisions of this Part of this Act shall not, without the consent of the Commissioner and except on such terms and conditions as may be prescribed by the Minister of Finance, apply to that member in respect of that period.

REP. 196

No.

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26. Superannuation Act 1956 to apply—(1) The provisions of section thirty-five of the Superannuation Act 1956 shall apply to every male contributor who is a member of the Police and whose age is not less than sixty years.

(2) Except as otherwise provided by this Part of this Act, all the provisions of the Superannuation Act 1956, as far as they are applicable and with any necessary modifications, shall apply to members of the Police as they apply to other persons in the Government service.

27. Age of retirement—(1) Subject to the provisions of this section, every member of the Police, whether or not he is a contributor to the Government Superannuation Fund, shall retire from the Police if he has attained the age of sixty years.

(2) Where in the opinion of the Commissioner special circumstances require that any member, other than an Assistant Commissioner, should remain in the Police for a longer period than that permitted by subsection one of this section, he may, by written notice to that member, permit him to remain in the Police for any additional period or periods not amounting in the aggregate to more than six months.

(3) The Commissioner may, on the ground of hardship, permit any person who, at the commencement of this Part, is a member of the Police and is not at that time a contributor, to remain in the Police for any additional period or periods not amounting in the aggregate to more than one year.

(4) The Commissioner or any Assistant Commissioner may, with the consent of the Minister, remain in the Police for a period not exceeding one year after the date on which any such officer is required by subsection one of this section to retire.

(5) Nothing in this section shall prevent a member of the Police from receiving leave, or from receiving any payment, salary, or allowance while on leave or instead of leave, after the date when he is required to retire in accordance with this section if any such leave accrued during his period of service in the Police.

(6) The Commissioner may, if he considers it necessary to do so for the efficiency of the Police, permit any Assistant Commissioner or any other member to remain in the Police for any period expiring not later than the thirty-first day of December, nineteen hundred and sixty-one:

Provided that this subsection shall not authorise the Commissioner to permit any person to remain in the Police after he attains the age of sixty-five years.

Cf. 1947, No. 13, s. 12; 1954, No. 32, s. 4

28. Retirement of medically unfit—(1) Any member of the Police who is certified by two medical practitioners nominated by the Commissioner to be substantially medically unfit to perform any specified duties in the Police which the Commissioner considers suitable for him may be required by the Commissioner by notice in writing to retire from the Police within such time, being not less than one month, as may be specified in the notice.

(2) Any member required under this section to retire from the Police shall, on the expiration of the time specified in that behalf in the notice, cease to be a member:

Provided that where an appeal is commenced under subsection three of this section, the appellant shall not cease to be a member until he has been notified by the Commissioner of the result of the appeal.

(3) Any member who is required under this section to retire from the Police may appeal against the requirement.

(4) Every appeal shall be commenced by notice of appeal delivered to the Commissioner within seven days after the receipt of the notice referred to in subsection one of this section.

(5) Any appeal under this section shall be determined by three registered medical practitioners of whom one shall be appointed by the Commissioner and one by the appellant and the third by agreement between the medical practitioners already appointed or, failing agreement, by the Director-General of Health. Any decision of a majority of the medical practitioners appointed as aforesaid shall be the decision in the appeal.

(6) Subject to the provisions of subsection five of this section the medical practitioners appointed under that subsection after full inquiry may dismiss the appeal or allow the appeal subject to the appellant complying with any conditions specified by them.

Cf. 1947, No. 13, s. 19

29. Commencement of this Part and repeals—(1) This Part of this Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

(2) Sections twelve and nineteen of the Police Force Act 1947 and section four of the Police Force Amendment Act 1954 are hereby repealed.

PART III

GENERAL

Regulation and Discipline of Members

30. General instructions—(1) The Commissioner may from time to time issue general instructions, not inconsistent with the provisions of this Act or regulations made thereunder, and all members of the Police shall obey and be guided by those instructions.

(2) Every general instruction shall remain in force until cancelled by the Commissioner.

(3) A general instruction shall be deemed to have been communicated to a member of the Police when the instruction has been published in the *Police Gazette* or in any

manual of general instructions issued by the Commissioner to members generally, or, in the case of a member of any particular group, when the instruction has been published in any manual of general instructions issued by the Commissioner to the members generally of that group, or, failing any such publication, when the instruction has been brought to the personal notice of the member.

(4) The production at any inquiry or investigation under this Act of a copy of the *Police Gazette*, or any manual purporting to be issued by the authority of the Commissioner and purporting to contain a copy of any general instruction, shall be sufficient evidence of the making, publication, and contents thereof.

Cf. 1947, No. 13, s. 15; 1952, No. 14, s. 3 AMD. 1961
No. 8.

31. Members not to engage in politics—Subject to the provisions of sections thirty and thirty-one of the Electoral Act 1956, no member of the Police shall, while he remains a member, take part in any election of a member of Parliament or of a local authority prescribed in that behalf by regulations under this Act, whether as a candidate or in any other manner, otherwise than by voting:

Provided that nothing in this section shall apply to the discharge by any member of the Police of his duty at or concerning any such election.

Cf. 1947, No. 13, s. 32

32. Suspension pending hearing of charge—(1) The Commissioner may suspend from duty without pay any member of the Police who he considers has been guilty of misconduct or neglect of duty until such time as, in respect of the alleged misconduct or neglect, the member has been sentenced or otherwise dealt with by a Court or a decision as to guilt and penalty has been made under section thirty-three of this Act.

(2) The authority conferred on the Commissioner by subsection one of this section may, with the prior consent of the Commissioner in each case, be exercised by any commissioned officer.

(3) Except where the conduct of the member is the subject of criminal proceedings or where any delay in concluding an inquiry occurs through any circumstances beyond the control of the Commissioner, no period of suspension under this section shall continue for longer than twenty-one days.

(4) Where under this section a member is suspended from duty and no information or charge is proceeded with or the information or charge is dismissed in any Court or the charge is not proved at an inquiry under section thirty-three of this Act, the member shall be entitled to receive pay in respect of the period of suspension.

Cf. 1947, No. 13, s. 20

33. Inquiries as to breaches of duty—(1) Where misconduct or neglect of duty is alleged against any commissioned officer below the rank of Chief Superintendent, and the officer does not admit the allegation, the following provisions shall apply:

- (a) The Minister, if in his opinion an inquiry under this section should be held, may appoint two or more persons, of whom only one shall be a member of the Police, to inquire into the charge and to report to him as to whether or not the charge has been proved:
- (b) If the persons so appointed report that the charge has been proved, the Minister may dismiss the offender from the Police or impose any one or more of the following penalties—
 - (i) Reduction to any rank, whether commissioned or otherwise:
 - (ii) Reduction in seniority by any specified number of years:
 - (iii) Reduction in pay to any specified step in the pay scale for a specified period:
 - (iv) A fine not exceeding fifty pounds.

(2) Where misconduct or neglect of duty is alleged against a non-commissioned officer, and he does not admit the allegation, the following provisions shall apply:

- (a) The Commissioner, if in his opinion an inquiry under this section should be held, may appoint any person (whether a member of the Police or not) to inquire into the charge and to report to him as to whether or not the charge has been proved:
- (b) If the person so appointed reports that the charge has been proved, the Commissioner may dismiss the offender from the Police or impose any one or more of the following penalties—

(i) Reduction to any rank, whether non-commissioned or otherwise:

(ii) Reduction in seniority by any specified number of years:

(iii) Reduction in pay to any specified step in the pay scale for a specified period:

(iv) A fine not exceeding twenty-five pounds.

(3) Where misconduct or neglect of duty is alleged against a constable and he does not admit the allegation, the following provisions shall apply:

(a) Any commissioned officer, or any person not a member of the Police appointed in that behalf by the Commissioner, may inquire into the charge and report to the Commissioner as to whether or not the charge has been proved, or, if the charge has been established at the inquiry, may, if he thinks it just to do so, discharge the offender without penalty or direct that the charge be dismissed and a direction that the charge be dismissed shall have the same effect as if the charge had not been proved:

(b) If any such officer or person reports that the charge has been proved, the Commissioner may dismiss the offender from the Police or impose any one or more of the following penalties—

(i) Reduction in seniority by any specified number of years:

(ii) Reduction in pay to any specified step in the pay scale for a specified period:

(iii) A fine not exceeding twenty pounds.

(4) Where misconduct or neglect of duty is alleged against a member of the Police below the rank of Chief Superintendent and he admits the charge, he shall be dealt with in the same manner as if he had denied the charge and the charge had been proved in accordance with the foregoing provisions of this section.

(5) Where any charge has been established in accordance with any of the foregoing provisions of this section, the Minister, or, as the case may be, the Commissioner, may if he thinks it just so to do discharge the offender without penalty or direct that the charge be dismissed and a direction that the charge be dismissed shall have the same effect as if the charge had not been proved.

(6) The provisions of subsections one to five of section forty-eight of this Act, as far as they are applicable and with the necessary modifications, shall apply to any person or persons holding an inquiry under this section, as if that person or those persons were an Appeal Board.

Cf. 1947, No. 13, s. 21

34. Appeal following inquiry into breach of duty—

AMD. 1961
No. s.

(1) Any member of the Police (other than a constable on probation, or a temporary member who has served in the Police for less than two years, or a cadet) into whose conduct any inquiry under section thirty-three of this Act has been held, including a member dealt with pursuant to subsection four of that section, may, if he is dissatisfied with the result of the inquiry or with any penalty imposed, appeal to the Appeal Board.

(2) Every appeal shall be commenced by a notice of appeal delivered to the Commissioner within seven days after the date on which the result of the inquiry is communicated to the appellant.

(3) Pending the hearing of the appeal any dismissal of the appellant shall remain in abeyance and the member shall be suspended from duty without pay.

(4) The Appeal Board shall after full inquiry report thereon to the Minister, in the case of an appeal by a commissioned officer, and in any other case to the Commissioner, making such recommendations as it thinks fit, whether as to the allowing or dismissal of the appeal, the dismissal of the offender from the Police, the penalty to be imposed on the offender, the granting or refusal of pay during any period of suspension resulting from the charge, or otherwise, and the Minister or, as the case may be, the Commissioner, may thereupon make such order in the matter as he thinks fit, except that he shall not in any case inflict a penalty more severe than that recommended by the Board.

Cf. 1947, No. 13, s. 23

35. Dismissal—The Commissioner may at any time dismiss from the Police any constable, and he may, with the approval of the Minister, dismiss from the Police any commissioned officer below the rank of Chief Superintendent, or any non-commissioned officer, who is for any reason considered, in the opinion of the Commissioner, unfit to remain a member of the Police.

Cf. 1947, No. 13, ss. 16, 17

36. Appeal against dismissal—(1) Any member who has been dismissed from the Police under section thirty-five of this Act may appeal against the dismissal to the Appeal Board.

(2) Every appeal shall be commenced by a notice of appeal delivered to the Commissioner within seven days after the member has received written notice of his dismissal.

(3) Pending the hearing of the appeal the dismissal of the member shall remain in abeyance and he shall be suspended from duty without pay:

Provided that, except where the conduct of the member is the subject of criminal proceedings, or where any delay in the hearing of the appeal occurs through circumstances beyond the control of the Commissioner, no period of suspension under this subsection shall continue for longer than twenty-eight days.

(4) The Appeal Board shall after full inquiry report to the Minister recommending the allowing or dismissal of the appeal.

(5) Where the Appeal Board recommends that an appeal under this section be allowed it may, in respect of any misconduct or neglect of duty that has been established at the hearing of the appeal, make such recommendations as it thinks fit as to the imposition of any penalty, other than dismissal, authorised by section thirty-three of this Act appropriate to the rank of the appellant, the granting or refusal of pay during any period of suspension, or otherwise, and the Minister may thereupon make such order in the matter as he thinks fit, except that he shall not in any case inflict a penalty more severe than that recommended by the Board.

Cf. 1947, No. 13, s. 18; 1955, No. 2, s. 6 (4)

Miscellaneous Provisions as to Members of the Police

37. Oath to be taken—(1) Every member of the Police shall take the following oath before a Justice or a commissioned officer of Police:

“I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the Police, without favour or affection, malice or ill-will, until I am legally discharged; that I will see and cause Her Majesty’s peace to be kept and preserved; that I will prevent to the best of my power all offences against the peace; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.”

(2) Every person who has taken and subscribed the oath as aforesaid shall be taken to have thereby entered into a written agreement with, and shall be bound to serve Her Majesty as a member of the Police, in whatsoever capacity he may, in accordance with the provisions of this Act, be required to serve, and at the current rate of pay of any rank to which he may be appointed or reduced, until legally discharged; and that agreement shall not be set aside, cancelled, or annulled for want of reciprocity; but every such agreement shall be determined by the resignation, discharge, retirement, dismissal, or other removal from office of any such person.

Cf. 1947, No. 13, s. 9

38. Execution of processes—(1) Every non-commissioned officer and constable shall obey and execute all the lawful summonses, warrants, orders, and directions of any Magistrate or Justice issued through the Registrar of a Magistrate's Court of criminal jurisdiction.

(2) Any warrant, order, or other process of any Court or of any Judge, Magistrate, or Justice directed to any non-commissioned officer or constable may be executed and enforced by any other member of the Police or his assistants; and every member and his assistants shall have the same rights, powers, and authorities for and in the execution of any such process, as if the same had been originally directed to him or them expressly by name.

(3) Where a process has been issued for the arrest of any person and has not been executed, any member of the Police in uniform or any other member on production of his identification or warrant card or other evidence that he is a member of the Police may, without having the process in his possession, arrest the person in respect of whom the process is issued.

Cf. 1947, No. 13, ss. 36 (1), 37

39. Protection of members for acts pursuant to process—(1) Where any process has been issued out of any Court, or by any Judge, Magistrate, or Justice, no member of the Police doing anything in obedience to any such process shall be responsible for any irregularity in the issuing of the process, or for any want of jurisdiction in the issuing of the same.

(2) On the production of any such process and on proof that it was issued out of a Court, or, as the case may be, that the signature thereto is in the handwriting of the person

whose name appears subscribed thereto, and that person is reputed to be and acts as a Judge, Magistrate, or Justice, and that the acts complained of were done in obedience to the process, the Court trying any action against any member of the Police in respect of any act done in obedience to the process shall find a verdict for that member, and the member shall recover his costs of suit.

Cf. 1947, No. 13, s. 38

40. Member may appear in Court by another member—
In any proceedings in a Magistrate's Court or before the Licensing Control Commission or before a Licensing Committee, any member of the Police who is to appear in the execution of his duty other than as a witness, may appear by any other member of the Police.

41. Evidence of right to hold office—If any question arises as to the right of any member of the Police to hold or execute his office, common reputation shall be evidence of that right, and it shall not be necessary to have or produce any written appointment or other document or matter whatsoever in proof of that right.

Cf. 1947, No. 13, s. 10

42. Pensions in respect of death or disablement—
(1) Subject to the provisions of this section, where the disablement or death of any member of the Police has occurred (whether before or after the commencement of this Act) and is attributable to his service as a member, there may be paid to him and his dependants (in the case of his disablement) and to his dependants (in the case of his death) pensions and allowances at rates not exceeding the rates that would be payable if he had been a member of the Forces within the meaning of the War Pensions Act 1954 and if his disablement or death were attributable to his service as a member of the Forces.

(2) For the purposes of determining the appropriate rates of pension to be paid under this section, members of the Police may be graded in such manner as may be prescribed by regulations under this Act.

(3) All applications for pensions and allowances under this section shall be made in writing to the Secretary for War Pensions who shall, as soon as practicable thereafter, submit the application for determination by a War Pensions Board established under the War Pensions Act 1954, and the Board

shall with respect to the hearing of the application have the same powers as if the application were an application under that Act.

(4) In considering any application for the grant of a pension or allowance to any person under this section the Board shall take into consideration any amount paid by way of retiring allowance, compensation, damages, or compassionate allowance out of the Public Account or out of any Government or other Superannuation Fund or from any other source in respect of the disablement or death of the member.

Cf. 1947, No. 13, s. 43A; 1955, No. 103, s. 5

43. Injuries in execution of duty—Any injuries suffered by a member of the Police—

- (a) While on duty or while on a direct journey from his home to report for duty or to his home after duty; or
- (b) While not on duty in the performance of some act which is within the scope of his ordinary duties; or
- (c) In consequence of some act performed in the execution of his duty,—

shall be deemed to have arisen out of and in the course of his employment.

44. On termination of office, powers to cease—(1) When a member of the Police ceases to hold and exercise his office, all powers and authorities vested in him as a member of the Police shall immediately cease.

(2) For the purposes of this section, a member of the Police shall be deemed to have ceased to hold and exercise his office during any period when he is on leave if, at the expiration of that leave, he will not return to duty in the Police.

Cf. 1947, No. 13, s. 13

Promotion Board and Appeal Board

45. Promotion Board—(1) For the purposes of this Act there is hereby established a Board to be called the Police Promotion Board.

(2) The Promotion Board shall consist of the Commissioner, who shall be the Chairman, and two other commissioned officers appointed in that behalf by the Minister.

(3) Except as provided by subsection four of this section, the appointed members of the Promotion Board shall be appointed for a term of two years, but may from time to time be reappointed, or may at any time be removed from office by

the Minister for disability, neglect of duty, or misconduct, or may at any time resign office by writing addressed to the Minister.

(4) If any appointed member of the Promotion Board dies, is removed from office, or resigns, the vacancy created shall be filled by the appointment by the Minister of a commissioned officer to the vacancy. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(5) In the event of the incapacity of any member of the Promotion Board by reason of sickness, absence, or other cause the Minister may appoint a commissioned officer to act in the place of that member during his incapacity.

(6) The powers of the Promotion Board shall not be affected by any vacancy in the membership thereof.

(7) The Promotion Board shall meet at such times and places as may be determined by the Chairman and at any meeting of the Promotion Board two members, including the Chairman, shall constitute a quorum.

(8) The decision of any two members, of whom one shall be the Chairman, shall be the decision of the Promotion Board.

(9) Subject to the provisions of this Act and of any regulations under this Act, the Promotion Board may regulate its procedure in such manner as it thinks fit.

Cf. 1947, No. 13, s. 25B; 1954, No. 32, s. 6

46. Appeal Board—(1) For the purposes of this Act there is hereby established a Board to be known as the Police Appeal Board.

(2) The Board shall consist of the following members:

(a) One, to be the Chairman, who shall be a Magistrate appointed by the Minister:

(b) The members nominated by service organisations in accordance with section forty-seven of this Act who shall be appointed by the Minister:

(c) One, who shall be appointed by the Commissioner, and who may or may not be a member of the Police.

(3) Of the members appointed under paragraph (b) of subsection two of this section, only one shall sit for the hearing of any appeal. The member appointed under paragraph (c) of the said subsection two shall be appointed specifically for any appeal or appeals.

(4) Subject to the provisions of this section, every member of the Appeal Board referred to in paragraph (a) or paragraph (b) of subsection two of this section shall be appointed for a term not exceeding three years, but may from time to time be reappointed or may be at any time removed from office by the Governor-General for disability, neglect of duty, or misconduct, or may at any time resign office by writing addressed to the Minister.

(5) Unless he sooner vacates his office, every such member of the Appeal Board shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(6) If any such member of the Appeal Board dies, resigns, or is removed from office, or, in the case of a member appointed under paragraph (b) of subsection two of this section, ceases to be a member of the Police, the vacancy created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(7) No member of the Appeal Board shall sit on any appeal affecting himself; and, except with the consent of the appellant, no member shall sit on any appeal relating to promotion if he was a member of the Promotion Board which made the determination appealed against, or on any appeal if, in the course of his duties, he has conducted any inquiry or investigation or has made any report regarding any misconduct or neglect of duty which is the subject-matter of the appeal.

(8) No member of the Appeal Board who is a member of the Police shall sit on any appeal, if the appellant is the holder of a rank higher than that of the member.

(9) In the event of the incapacity of the Chairman by reason of illness, absence, or any other cause whatsoever, the Minister may appoint any other qualified person to act in his place during the incapacity. Every person so appointed shall, while the incapacity continues, be deemed for all purposes to be the Chairman of the Board.

(10) In the event of the incapacity of a member appointed under paragraph (b) of subsection two of this section by reason of illness, absence, or any other cause whatsoever, the service organisation concerned may, within three days of being required to do so by the Minister, nominate a person, whether a member of the Police or not, to act in place of the

incapacitated member, and if no such nomination is made within that period, the Governor-General may appoint a person nominated by the Minister, whether a member of the Police or not, to act in place of the incapacitated member while the incapacity continues.

(11) For the purposes of any particular appeal the Minister may, with the concurrence of the Chairman, appoint another Magistrate or some other person to be the Chairman of the Appeal Board.

(12) Subject to the provisions of this Act and of any regulations under this Act, the Appeal Board may regulate its procedure in such manner as it thinks fit.

Cf. 1947, No. 13, ss. 24, 25c; 1954, No. 32, s. 7 (1)

47. Nominated members of Appeal Board—(1) For the purposes of section forty-six of this Act, the New Zealand Police Officers Guild Incorporated and the New Zealand Police Association Incorporated shall each nominate two members of the Police to be members of the Appeal Board; and in default of any such nomination the members shall be appointed by the Governor-General, after consultation by the Minister with the service organisation concerned.

(2) Any service organisation may, if it thinks fit, decide that an election shall be held to determine the persons to be nominated by it:

Provided that nothing in this subsection shall apply to the nomination of a person to act during the incapacity of a member of the Appeal Board:

Provided also that where a vacancy has occurred in the membership of the Appeal Board an election of a nominee shall not be held unless it can reasonably be held at least one year before an election would be held if the vacancy had not occurred.

(3) Where any such election is held to determine who shall be nominated by the New Zealand Police Officers Guild Incorporated, every commissioned officer shall be entitled to vote and only a commissioned officer shall be elected for nomination, and where the election is held to determine who shall be nominated by the New Zealand Police Association Incorporated, every member of the Police below the rank of commissioned officer shall be entitled to vote and only a member below the rank of commissioned officer shall be elected for nomination.

(4) Every such election shall be conducted by the Police Department.

(5) For the purposes of any hearing by the Appeal Board the nominated member of the Board who shall act shall be determined as follows:

- (a) If the appellant is a commissioned officer, the members representing the New Zealand Police Officers Guild shall, by mutual agreement, determine which of them shall act as a member of the Board, and, in default of agreement, the Minister shall determine which of them shall act:
- (b) If the appellant is below the rank of commissioned officer, the members representing the New Zealand Police Association shall, by mutual agreement, determine which of them shall act as a member of the Board, and, in default of agreement, the Minister shall determine which of them shall act:

Provided that if only one such member is eligible to act, that member shall act as a member of the Board.

Cf. 1947, No. 13, ss. 25, 25D; 1954, No. 32, s. 8

48. Procedure of Appeal Board—(1) The Appeal Board may summon any witness to attend at any hearing under this Act and to produce any documents:

Provided that no person shall be called upon to produce any document or give any evidence if the Minister certifies in writing that the production of the document or the giving of the evidence would be injurious to the public interest or the interests of the Police.

(2) Any person who refuses or fails to comply in any respect with any such summons or who attends any such hearing (whether pursuant to a summons or otherwise) and refuses or fails to be sworn or to give evidence, or to answer such questions as may lawfully be put to him, commits an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) At the hearing of any appeal the appellant and the Commissioner may appear in person or may be represented by an advocate or advocates and shall be entitled to call and examine witnesses and address the Appeal Board. Any advocate need not be a member of the Police and may be a barrister or solicitor.

(4) So long as any person engaged at any hearing of an appeal under this Act acts *bona fide* in the discharge of his duties, no action shall lie against him for anything he may report or say in the course of the hearing.

(5) Every witness attending and giving evidence and every advocate appearing at any hearing of an appeal under this Act shall have the same privileges and immunities as witnesses and counsel in Courts of Law.

(6) On any such appeal the Appeal Board may receive such evidence as it thinks fit, whether the evidence would be legally admissible in other proceedings or not.

(7) The decision of two members of the Board of Appeal shall be the decision of the Board.

(8) With respect to costs of any hearing of an appeal the Board of Appeal may:

(a) Direct that the appellant, or any witness at the hearing, shall be reimbursed in respect of his attendance:

(b) Direct that the expenses (but not costs) of any advocate shall be paid:

(c) Where the Board is of the opinion that the appeal is frivolous or vexatious and should not have been brought, or that witnesses were unnecessarily nominated by and attended at the request of the appellant, the Board may direct that the reasonable costs of the appeal or any part thereof shall be paid by the appellant.

(9) Any amount directed to be paid pursuant to paragraph (a) or paragraph (b) of subsection eight of this section shall be payable out of money appropriated by Parliament for the purpose; and any amount directed to be paid by the appellant shall be recoverable as a debt due to the Crown.

(10) The Board of Appeal is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951, and there shall be paid out of money appropriated by Parliament for the purpose to the members remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1947, No. 13, ss. 24, 25c, 35A; 1952, No. 14, s. 4 (1); 1954, No. 32, s. 7 (1)

Offences

49. Gaining admission to Police by false representations—Every person who by any false or forged certificates or any false representations, obtains admission or readmission into the Police commits an offence and shall be liable on

summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both.

Cf. 1947, No. 13, s. 31

50. Member failing to return property—(1) If any person who has ceased to hold and exercise his office as a member of the Police does not forthwith deliver over everything whatsoever which may have been supplied to him for the execution of his office, or which may be in his custody by virtue thereof, to the member of the Police in charge of the station to which he was last attached, he commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Any Justice may issue his warrant to any member of the Police to search for and seize to the use of Her Majesty, every such thing whatsoever which has not been so delivered over.

(3) For the purposes of this section, a member shall be deemed to have ceased to hold and exercise his office during any period when he is on leave if, at the expiration of that leave, he will not return to duty in the Police.

Cf. 1947, No. 13, s. 27

51. Personation of member—(1) Every person who, not being a member of the Police, by words, conduct, or demeanour pretends that he is a member, or puts on or assumes the dress, name, designation, or description of a member of the Police, commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both.

(2) Any member of the Police may arrest without warrant any person who he has reasonable cause to believe is committing or has committed an offence against this section.

Cf. 1947, No. 13, s. 29

52. Unlawful possession of police property—Every person who, not being a member of the Police, has in his possession any thing whatsoever supplied or to be supplied to a member of the Police, and is not able to account satisfactorily for his possession thereof commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Cf. 1947, No. 13, s. 28

53. Failing to give assistance—Any member of the Police when in the lawful execution of his duty may call upon any male person, not being under the age of eighteen years, to aid or assist him to apprehend or secure any person or to convey any person in his charge to a police station or other place, when reasonable necessity exists for calling for that assistance; and every such person who fails to aid or assist any member of the Police when so called upon commits an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Cf. 1947, No. 13, s. 33

54. Unlawful dealings with prisoners—(1) Every person who holds or attempts to hold any communication with any prisoner in the custody or charge of any member of the Police, or who delivers or in any manner attempts to deliver or causes to be delivered to any such prisoner any article or thing whatsoever without the permission of that member of the Police or some responsible member of the Police in charge of that member, commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or to both.

(2) Any member of the Police may arrest without warrant any person who he has reasonable cause to believe is committing or has committed an offence against this section.

Cf. 1947, No. 13, s. 34

55. Bribing members of the Police—Every person who, not being a member of the Police,—

(a) Gives or offers or promises to give any member of the Police any bribe, pecuniary or otherwise, or makes any agreement with any member of the Police to induce him in any way to forego his duty; or

(b) Requests or incites or induces any member of the Police, or the members of the Police generally, or any section thereof, to act in any manner contrary to duty; or

(c) Connives at any act whereby any regulation or instruction in relation to the Police may be evaded,—
commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding two years.

Cf. 1947, No. 13, s. 30

Miscellaneous

56. Committees of Inquiry—(1) The Minister may from time to time appoint a Committee of Inquiry, consisting of a Magistrate and one or more members of the Police, for the purpose of investigating and reporting to the Commissioner on any matter connected with the Police and, without limiting the general application of this subsection, any such Committee may be appointed to investigate and report as to promotion, pay, or conditions of service in the Police.

(2) The provisions of subsections one, two, four, five, and six of section forty-eight of this Act shall, with the necessary modifications, apply to any Committee of Inquiry as if it were the Appeal Board.

(3) Subject to the provisions of this section and of regulations under this Act, a Committee of Inquiry may regulate its procedure in such manner as it thinks fit.

57. Particulars for identification of person in custody—

(1) Where any person is in lawful custody at a police station on a charge of having committed any offence, a member of the Police may, subject to any direction of his superiors, take or cause to be taken all such particulars as may be deemed necessary for the identification of that person, including his photograph, fingerprints, and footprints, and may use or cause to be used such reasonable force as may be necessary to secure those particulars.

(2) Any person who, after being cautioned, fails to comply with any demand or direction of a member of the Police acting in the exercise of his powers under this section commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds, or to both.

(3) If the person in respect of whom particulars have been taken under this section is acquitted, the particulars shall be forthwith destroyed:

Provided that this subsection shall not apply if the person is acquitted on account of his insanity or is discharged under section forty-two of the Criminal Justice Act 1954.

Cf. 1947, No. 13, s. 40

58. Magistrate may determine title to property—

(1) Where a member of the Police is in possession of any property of any kind other than property distrained under the warrant of a Justice, and it is doubtful whether a person

AMD. 196
No. s.

AMD. 196
No. s.

claiming the property, or which of any two or more persons so claiming is entitled to the possession thereof, a Magistrate, on the application of any member of the Police, or of a claimant to the property, may make an order for the delivery of the property to any person appearing to the Magistrate to be the owner thereof, or entitled to the possession thereof, or, if the owner or person entitled to possession cannot be ascertained, may make such order with respect to possession of the property as he thinks fit.

(2) Any application under this section shall be made by originating application to a Magistrate's Court of Civil Jurisdiction.

(3) If after the making of any such order an action is commenced against any member of the Police or the Crown for the recovery of the property or the value thereof, the order and the delivery of the property in pursuance thereof may be given and shall be received in evidence in bar of the action:

Provided that no such order or delivery shall affect the right of any persons entitled by law to possession of the property to recover the same.

Cf. 1947, No. 13, s. 41

59. Unclaimed property—(1) Any goods and chattels which have come into the possession of any member of the Police and which are unclaimed after being held for not less than three months, shall, by the direction of the Commissioner, be sold by public auction, a notice of the sale having been previously published three times in some newspaper circulating in the district in which the sale is to be held:

Provided that perishable goods may be sold at any time and in such manner as the officer in charge of the district may direct, or if valueless may be destroyed.

(2) The proceeds of every such sale, after deducting the costs thereof, and any money which has come into the possession of a member of the Police in the execution of his duty and is unclaimed, shall be paid to and form part of the Consolidated Fund.

(3) The Commissioner may, if he thinks fit, appoint any person, not being the holder of a licence under the Auctioneers Act 1928, to conduct any such sale by auction.

Cf. 1947, No. 13, s. 42

60. Limitation of actions—(1) For the protection of persons acting in the execution of this Act, all actions against any person for anything done in pursuance of this Act shall be

commenced within one year after the act has been committed, and not otherwise; and notice in writing of every such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action.

(2) The plaintiff in any such action shall not recover if tender of sufficient amends is made before the action is brought, or if a sufficient sum of money is paid into Court by or on behalf of the defendant after the action is brought, together with the costs incurred up to that time.

(3) If the verdict is given for the defendant, or the plaintiff is nonsuited or discontinues the action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client; and, though a verdict is given for the plaintiff in any such action, he shall not have costs against the defendant unless the Court before which the trial is held certifies its approval of the action and of the verdict obtained thereon.

Cf. 1947, No. 13, s. 39

61. *Police Gazette*—(1) The *New Zealand Police Gazette* (in this Act referred to as the *Police Gazette*) is hereby declared to be a confidential State document, and every person who has in his possession any copy of any issue of that document without lawful authority or excuse (the proof whereof shall be on the person charged) commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Subject to the provisions of subsection four of section thirty of this Act, the *Police Gazette* shall not, without the permission in writing of the Commissioner, be produced, nor shall any evidence of its contents be given, in any proceedings in any Court.

(3) No civil or criminal proceedings shall be taken in respect of anything contained in the *Police Gazette*.

Cf. 1947, No. 13, s. 44

62. Proceedings not to be quashed for want of form—No charge, conviction, order, inquiry, recommendation, appeal, determination, decision, or other act or proceeding under this Act shall be quashed or set aside or be deemed void or insufficient for want of form only, or, except upon the

- (h) Prescribing the procedure at and regulating the conduct of appeals and inquiries under this Act and enabling the taking of evidence on commission for the purposes of any such appeal or inquiry:
- (i) Providing for the determination of the amount of rent to be paid by any member of the Police who is permitted to use for the purpose of residence or granted a tenancy of any premises or any part of any premises belonging to the Government, and for the deduction of the amount payable in respect of that use or tenancy from any money due or at any time becoming due from the Crown whether in salary or otherwise.

(3) Any regulations made under this section shall come into force on a date to be specified therein in that behalf (whether before or after the date on which they are made), and if no such date is specified shall come into force on the date of the making thereof.

(4) All regulations made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

Cf. 1947, No. 13, s. 14; 1952, No. 14, s. 2 (1)

65. Annual report—(1) The Commissioner shall as soon as practicable after the thirty-first day of March in each year furnish to the Minister a report on the operation of the Police for the year ending on that date.

(2) A copy of the report shall be laid before Parliament within twenty-eight days after it has been furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

66. Repeals and savings—(1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under

this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of section eight of the Police Force Amendment Act 1955 shall not affect the provisions of the said section eight.

(4) Any reference in any enactment, or in any instrument, notice, or other document whatsoever to the Police Force or the Force shall be deemed to be a reference to the Police, and any such reference to a member of the Police Force or a member of the Force shall be deemed to be a reference to a member of the Police.

(5) Any reference in any enactment, other than this Act, or in any instrument, notice, or other document whatsoever to a Superintendent of Police, or an Inspector of Police, or a Sub-Inspector of Police shall be deemed to be a reference to a commissioned officer of Police, unless the context otherwise requires.

Am. 196
No. s.

SCHEDULES

Section 19 FIRST SCHEDULE
RATES OF CONTRIBUTION TO SUPERANNUATION FUND BY MEMBERS OF
THE POLICE

Age at Commencement of Contributory Service	Percentage of Salary to be Deducted as Contributions to Superannuation Fund
Not exceeding 21 years	5·0
Exceeding 21 years but not exceeding 22 years	5·2
Exceeding 22 years but not exceeding 23 years	5·4
Exceeding 23 years but not exceeding 24 years	5·6
Exceeding 24 years but not exceeding 25 years	5·8
Exceeding 25 years but not exceeding 30 years	6·0
Exceeding 30 years but not exceeding 35 years	7·2
Exceeding 35 years but not exceeding 40 years	8·4
Exceeding 40 years but not exceeding 45 years	9·6
Exceeding 45 years but not exceeding 50 years	10·8
Exceeding 50 years	12·0

Section 66 (1) SECOND SCHEDULE

ENACTMENTS REPEALED

- 1947, No. 13—The Police Force Act 1947, except sections 12 and 19.
 1952, No. 14—The Police Force Amendment Act 1952.
 1954, No. 32—The Police Force Amendment Act 1954, except section 4.
 1955, No. 2—The Police Force Amendment Act 1955.
 1955, No. 103—The Finance Act (No. 2) 1955: Section 5.
 1956, No. 36—The Police Force Amendment Act 1956.