



ANALYSIS

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1983, No. 133

An Act to amend the Police Act 1958

[16 December 1983]

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 Amendment Act 1983, and shall be read together with and deemed part of the Police Act 1958 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. Reinstatement in former rank following demotion—The principal Act is hereby amended by inserting, after section 13A (as inserted by section 2 of the Police Amendment Act 1972), the following section:

“13B. (1) Where a commissioned officer below the rank of Chief Superintendent or a non-commissioned officer has been reduced in rank pursuant to section 33 of this Act, that officer may, subject to any regulations made under this Act, be reinstated in the rank from which he was demoted, on the recommendation of the Promotion Board.

“(2) The Board shall not make a recommendation under subsection (1) of this section unless it is satisfied that the officer is now a fit and proper person to be reinstated in his former rank and is capable of carrying out efficiently the duties thereof.

“(3) Where an officer is reinstated in his former rank under this section, he shall have the same seniority in that rank as he had at the time of his demotion, and shall not be entitled to seniority in respect of the period during which he served in a lower rank following his demotion.

“(4) Nothing in section 14 of this Act shall apply in respect of the reinstatement of any officer under this section.”

3. Penalties increased—(1) Section 33 of the principal Act (as amended by section 3 (1) of the Police Amendment Act 1981) is hereby amended—

- (a) By omitting from subsection (1) (b) (iv) the expression “\$400”, and substituting the expression “\$500”;
- (b) By omitting from subsection (2) (b) (iv) the expression “\$250”, and substituting the expression “\$500”;
- (c) By omitting from subsection (3) (b) (iii) the expression “\$175”, and substituting the expression “\$500”.

(2) Section 3 (1) of the Police Amendment Act 1981 is hereby consequentially repealed.

4. Unauthorised use of Police uniforms, etc.—The principal Act is hereby amended by inserting, after section 51, the following section:

“51A. (1) Every person, other than a member of the Police, commits an offence who uses—

- “(a) Any uniform, or item of uniform, or any other article, to which this section applies; or
- “(b) Any uniform, or item of uniform, or any other article, that closely resembles any uniform, or item of uniform, or other article to which this section applies—

in circumstances likely to lead any person to believe that the user is a member of the Police.

“(2) Every person commits an offence who uses—

- “(a) Any uniform, or item of uniform, or any other article, to which this section applies; or
- “(b) Any uniform, or item of uniform, or any other article, that closely resembles any uniform, or item of uniform, or other article to which this section applies,—

without the prior approval of the Commissioner.

“(3) No approval given under subsection (2) of this section shall authorise any person to use any uniform, item of uniform, or other article in circumstances likely to lead any person to believe that the user is a member of the Police.

“(4) This section applies to—

“(a) Any uniform worn by any members of the Police:

“(b) Any item of any such uniform:

“(c) Any crest, badge, emblem, design, logogram, or other distinguishing article used, worn, or carried by any member or employee of the Police while on duty and described in regulations made under this Act.

“(5) Every person who commits an offence against this section 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 on which the offence has continued.

“(6) In any proceedings for an offence against this section, a certificate by the Commissioner to the effect that—

“(a) Any uniform or any item of uniform is worn by any member of the Police; or

“(b) Any crest, badge, emblem, design, logogram, or other distinguishing article is used, worn, or carried by any member or employee of the Police while on duty—

shall, in the absence of proof to the contrary, be sufficient evidence of the matters stated in the certificate.

“(7) Nothing in this section shall apply, at any time before the 1st day of June 1986, to the wearing of any uniform or item of uniform by any person, or by any employee of any person, if that uniform or item of uniform was being worn by that person or by any employee of that person in connection with any business, trade, or occupation at the commencement of this section.”

This Act is administered in the Police Department.
