



ANALYSIS

Title	4. Searchers
1. Short Title	5. Unclaimed property
2. General instructions	6. Publication of <i>Police Gazette</i>
3. General search of person in custody	7. Consequential repeal

1998, No. 56

An Act to amend the Police Act 1958

[3 June 1998]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Police Amendment Act 1998, and is part of the Police Act 1958 (“the principal Act”).

2. General instructions—Section 30 of the principal Act is amended by repealing subsections (3) and (4), and substituting the following subsections:

“(3) A general instruction is deemed to have been communicated to a member of the Police when the instruction has been—

“(a) Published in the *Police Gazette*; or

“(b) Published in a Police magazine that is published under the authority of the Commissioner and distributed to all members; or

“(c) Published in a manual of general instructions issued by the Commissioner to all members; or

“(d) In the case of a member of a particular group of Police, published in a manual of instructions issued by the Commissioner to members of that particular group; or

“(e) Brought to the personal notice of the member.

“(4) The production at any inquiry or investigation under this Act of a copy of any of the publications referred to in paragraphs (a) to (d) of subsection (3) that purports to contain a copy of any general instruction is sufficient evidence of the making, publication, and content of that general instruction.”

3. General search of person in custody—Section 57A (1) of the principal Act is amended by omitting the words “or any other person employed for the purpose pursuant to regulations made under this Act”, and substituting the words “or any searcher employed for the purpose under section 57B”.

4. Searchers—The principal Act is amended by inserting, after section 57A, the following section:

“57B. (1) If subsection (2) applies, the member in charge of the place or vehicle in which any person is detained in custody may employ a searcher to conduct a search of that person under section 57A.

“(2) A searcher may be employed to conduct a search under section 57A if the employment of that searcher is necessary to enable the search of the person in custody to be carried out—

“(a) By someone of the same gender as the person being searched; or

“(b) Within a reasonable time of that person being taken into custody.

“(3) A searcher employed under subsection (1) must conduct the search under section 57A in accordance with all relevant general instructions issued under section 30, as if he or she were a member of the Police.

“(4) The member in charge of the place or vehicle must be satisfied that a searcher employed under this section has received appropriate training before that searcher conducts a search under section 57A.”

5. Unclaimed property—(1) Section 59 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) The proceeds of every sale must be paid into the Crown Bank Account, after deducting the costs incurred in—

“(a) Advertising and conducting the sale; and

“(b) Storing, transporting, testing, or otherwise preparing the goods and chattels for sale.”

(2) Section 59 of the principal Act is amended by adding the following subsection:

“(4) Any money that has come into the possession of a member of the Police in the course of duty, and is unclaimed, must be paid into the Crown Bank Account.”

6. Publication of *Police Gazette*—Section 61 of the principal Act is amended by omitting the word “shall” where it first appears, and substituting the word “may”.

7. Consequential repeal—Section 4 of the Police Amendment Act 1981 is consequentially repealed.

This Act is administered by the Police.
