

New Zealand.



ANALYSIS.

- | Title. | |
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| 1. Short Title. | 6. Extending section 6 of Amendment Act, 1919 (restoring rights of members of Force who resigned for purpose of joining Expeditionary Force). |
| 2. "Sergeant" defined. | 7. Section 29 of principal Act amended. |
| 3. Section 14 of principal Act amended. | 8. Section 32 of principal Act amended. |
| 4. Inquiries as to breaches of duty by members of Force. Repeal. | |
| 5. Special provisions as to inquiries. | |

1924, No. 18.

AN ACT to amend the Police Force Act, 1913.

Title.

[6th October, 1924.]

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

1. This Act may be cited as the Police Force Amendment Act, 1924, and shall be read together with and deemed part of the Police Force Act, 1913 (hereinafter referred to as the principal Act). Short Title

2. In the principal Act and in this Act the term "sergeant" means a member of the Force below the rank of Sub-Inspector and above the rank of constable. "Sergeant" defined.

3. The power to make regulations for the government of the Force conferred on the Governor-General by section fourteen of the principal Act shall be deemed to include power to prescribe fines and other penalties for the breach of any such regulations. Section 14 of principal Act amended.

4. (1.) Where a Superintendent, Inspector, or Sub-Inspector is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply:— Inquiries as to breaches of duty by members of Force.

(a.) The Minister shall appoint two or more persons, of whom only one shall be a member of the Force, to inquire as to the truth of the charge and to report their finding to the Minister.

(b.) If the persons so appointed report to the Minister that the charge has been proved, the Minister may—

(i.) Recommend to the Governor-General the dismissal of the offender or his reduction in rank; or

(ii.) Impose a fine of not more than twenty pounds; or

(iii.) Inflict such other punishment, not more severe than the foregoing, as he deems fit.

(2.) Where a sergeant is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply :—

(c.) The Commissioner shall, by writing under his hand, direct any Superintendent or Inspector to inquire as to the truth of the charge and to report his finding to the Commissioner.

(d.) If the Superintendent or Inspector reports to the Commissioner that the charge has been proved, the Commissioner may—

(i.) Recommend to the Minister the dismissal of the offender, or his reduction in rank, or his reduction in seniority and pay; or

(ii.) Impose a fine of not more than five pounds.

(e.) On any such recommendation as aforesaid the Minister may dismiss the offender from the Force, or reduce his rank or his seniority and pay, or refer the matter back to the Commissioner for a fine of not more than five pounds, in which case the Commissioner shall impose such fine accordingly. In the exercise of the powers conferred by this paragraph the Minister shall not be bound by the terms of the Commissioner's recommendation, save that he shall not in any case inflict a penalty more severe than that recommended by the Commissioner.

(3.) Where a constable is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply :—

(f.) Any Superintendent or Inspector may inquire as to the truth of the charge.

(g.) If as the result of his inquiries the Superintendent or Inspector finds the charge to be proved, he shall—

(i.) Recommend to the Commissioner the dismissal of the offender or his reduction in seniority and pay; or

(ii.) Impose a fine of not more than three pounds.

(h.) On any such recommendation as aforesaid the Commissioner may dismiss the offender from the Force, or reduce his seniority and pay, or impose a fine of not more than three pounds. In the exercise of the powers conferred by this paragraph the Commissioner shall not be bound by the terms of the recommendation, save that he shall not in any case inflict a penalty more severe than that recommended by the Superintendent or Inspector.

Repeal.

(4.) This section is in substitution for section sixteen of the principal Act, and that section is hereby accordingly repealed.

Special provisions as to inquiries.

5. (1.) Any person holding an inquiry under the last preceding section may issue summonses for the attendance of witnesses, and may examine on oath any person respecting the subject-matter of the charge, and may administer oaths to any such person.

(2.) Every person so summoned who does not attend at the time and place named in the summons, or who refuses to be sworn, or, being sworn, refuses to give evidence or to answer any question lawfully put to him, is liable to a fine of not more than five pounds, and such fine may be imposed by the person or persons holding the inquiry.

(3.) If any person gives wilfully false evidence at any such inquiry, he shall be guilty of perjury within the meaning of the Crimes Act, 1908.

(4.) The amount of any fine imposed under this section or the last preceding section may be deducted from any moneys due or thereafter becoming due from the Crown to the offender by way of salary or otherwise.

6. (1.) Section six of the Police Force Amendment Act, 1919, is hereby extended to apply to persons who, having voluntarily retired from the Force to join an Expeditionary Force under the Expeditionary Forces Act, 1915, have heretofore been reappointed to the Force at any time within two years and three months after the date of their discharge from the Expeditionary Force.

Extending section 6 of Amendment Act. 1919 (restoring rights of members of Force who resigned for purpose of joining Expeditionary Force).

(2.) Payments into the Public Service Superannuation Fund of the amounts mentioned in the said section six may, in respect of persons to whom this section applies, be made at any time within twelve months after the passing of this Act, or where such payments are to be made by instalments they may extend over such period, not exceeding three years from the date of the passing of this Act, as the Public Service Superannuation Board may determine.

7. Section twenty-nine of the principal Act is hereby amended by adding the following as subsection two :—

Section 29 of principal Act amended.

“(2.) Where a warrant has been issued for the arrest of any person and has not been executed, any member of the Force in uniform, or any other member of the Force on production of his badge or other evidence that he is a member of the Force, may, without having the warrant in his possession, arrest the person in respect of whom the warrant is issued.”

8. Section thirty-two of the principal Act is hereby amended by adding the following as subsection three :—

Section 32 of principal Act amended.

“(3.) For the purposes of this section the term ‘goods’ means all goods, wares, or merchandise of any description, and includes horses, live-stock, and other animals, and all conveyances and other means of transport.”