

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title and commencement. Act divided into Parts.</p> <p>2. Interpretation.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">GENERAL POLICE PROVISIONS.</p> <p><i>Obstructions and Breaches of Good Order.</i></p> <p>3. Offences relating to good order, nuisances, and obstructions in public places. Removing material from foreshore. Insulting behaviour in a public place.</p> <p style="text-align: center;"><i>Furious Driving, &c.</i></p> <p>4. Offences by persons on public places, &c.</p> <p style="text-align: center;"><i>Endangering Safety.</i></p> <p>5. Offences tending to personal injury.</p> <p style="text-align: center;"><i>Wilful Destruction of Property.</i></p> <p>6. Wilful destruction of property, whether public or private.</p> <p style="text-align: center;"><i>Cruelty to Animals.</i></p> <p>7. Cruelty to animals. Police may detain animals belonging to offender at owner's cost.</p> <p>8. Liability for damage done through cruelty. Payment of compensation not to prevent proceeding by action.</p> <p>9. Time for laying information limited.</p> <p>10. Apprehension. Warrant may issue forthwith.</p> <p>11. Vehicles, &c., may be detained and sold.</p> <p>12. Constables may inspect saleyards, &c.</p> <p>13. Killing of animals.</p> <p>14. Special constables may be appointed to prevent cruelty.</p> <p>15. Application of fines recovered in respect of offences of cruelty to animals.</p> <p style="text-align: center;"><i>Laying Poison.</i></p> <p>16. Laying poison in or near public places or on another person's premises.</p> <p>17. Exceptions.</p> | <p style="text-align: center;"><i>Sunday Trading.</i></p> <p>18. As to Sunday trading.</p> <p style="text-align: center;"><i>Publication of False Notices of Births, &c.</i></p> <p>19. Sending false notice of birth, &c., for publication. Publishing false notice. Name of person sending notice may be demanded.</p> <p style="text-align: center;"><i>Imitation of Court Documents and other Cases of False Representation.</i></p> <p>20. Imitation of Court documents an offence.</p> <p>21. Offence to issue or exhibit documents falsely purporting to be official documents. "Official document" defined.</p> <p>22. Public use of words, initials, or abbreviations in certain cases an offence.</p> <p>23. Offence to carry on trade, &c., implying appointment by Governor-General without authority.</p> <p>24. Use of words denoting Government patronage prohibited.</p> <p style="text-align: center;"><i>Disfiguring Crown and other Public Lands.</i></p> <p>25. Disfiguring natural objects, &c.</p> <p style="text-align: center;"><i>Combinations affecting the Supply of Light or Water.</i></p> <p>26. Combination affecting the supply of gas, electric light, or water.</p> <p style="text-align: center;"><i>Tobacco-smoking by Youths.</i></p> <p>27. Supplying tobacco to youths. Smoking by youths prohibited. No conviction if for benefit of health.</p> <p style="text-align: center;"><i>Use of Firearms by Youths.</i></p> <p>28. Sale of firearms, &c., to young persons prohibited. Use of firearms, &c., by young persons prohibited. Penalty. Firearm to be forfeited. Proof of age. Recovery of fines. Young person not to be imprisoned. When section not to apply. Interpretation.</p> <p style="text-align: center;"><i>Unauthorized Consular Agents.</i></p> <p>29. Unauthorized representative of foreign States.</p> |
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Prohibiting Use of certain Words having Reference to the Great War.

30. Governor-General may prohibit the use of certain words having reference to the Great War for purposes of trade or business.

Unlawful Use of Military Decorations.

31. Offences with respect to military decorations. Interpretation.

Unlawful Use of Motor-cars, &c.

32. Unlawful use of motor-cars, &c.

Unlawful Intimidation or Violence, or inciting thereto.

33. Penalty for unlawful intimidation or violence with a view to restricting the freedom of any person to do or abstain from doing any act.
34. Inciting violence, disorder, or lawlessness.

Obtaining Credit by Fraud.

35. Obtaining credit by fraud.

Obtaining Admission to any Place without paying Fee.

36. Offence to obtain admission to any place without paying fee lawfully charged for admission thereto.

Unauthorized Programmes.

37. Offence to publish unauthorized programmes.

General.

38. Inciting to the commission of offences.
39. Masters liable where servants have acted under their orders.

PART II.

INDECENCY AND VAGRANCY.

40. Extended interpretation of "public place."

Drunkenness and Riot.

41. Persons found drunk.
42. Naval ratings arrested for drunkenness may be delivered to ship without further authority.
43. Persons found drunk while in charge of horses, &c., or firearms.
44. Drunken persons to be visited while in custody. Justice may remand such persons to hospital or elsewhere for treatment. Expenses and cost of maintenance to be paid by persons arrested.
45. Keepers of refreshment-houses not properly conducting them.
46. Prostitutes importuning passengers or being riotous.

Obscenity.

47. Exposure of person or grossly indecent acts. Whipping.
48. Using foul language in a public place.

Idle and Disorderly Persons.

49. Vagrants, &c.
50. Arrest of persons without lawful means of support.
51. Persons armed by night or wearing disguises.

Rogues and Vagabonds.

52. Imposters, loiterers, and trespassers by night.
53. Term "night" defined.
54. Offence of being found on property without lawful excuse but not under circumstances disclosing criminal intent.

Incorrigible Rogues.

55. Persons guilty of prison-breaking and repeated offences may be dealt with summarily. Or committed for trial.
56. Punishment of incorrigible rogues by Supreme Court.

Apprehension, &c.

57. Lodginghouses, &c., may be searched.
58. Constable may seize property, &c., of offenders.
59. Justice may direct offenders to be searched and property sold for maintenance in prison, &c.
60. Apprehension of certain offenders under this Part.

PART III.

BILLIARD-ROOMS AND BOXING AND WRESTLING CONTESTS.

Public Billiard-rooms.

61. Hours of closing public billiard-rooms.
62. Power to enter public billiard-rooms.
63. Certain by-laws not affected.

Boxing Contests.

64. Interpretation.
65. Permit for boxing contest.
66. Conduct of boxing contest.
67. Copy of permit to be posted at entrance.
68. Fines, how recoverable.
69. Constable may enter building.
70. Constable may arrest without warrant in certain cases.
71. Regulations.

Wrestling Contests.

72. Wrestling contests to be subject to supervision. Regulations.

PART IV.

MISCELLANEOUS PROVISIONS.

Powers and Duties of Constables.

73. Apprehension of offenders whose names not known, loiterers, &c.
74. Apprehension of persons charged with recent assaults.
75. Power of search for pillaged goods.
76. Obstructing officers or others.
77. Assaulting or resisting constables, &c.
78. Penalty on constable for a neglect of duty.

<p style="text-align: center;"><i>Legal Proceedings.</i></p> <p>79. Summary proceedings. Person charged under Part II may have his case heard by two Justices.</p> <p>80. Offence may be set forth in words of Act.</p> <p>81. Proving intent to commit a crime.</p> <p>82. Offences of a serious nature not to be tried under this Act.</p>	<p>83. Want of form, no certiorari.</p> <p>84. Act not to affect any penalty imposed by any other law.</p> <p>85. Constable may prosecute in all proceedings.</p> <p>86. Act not to interfere with powers of local authorities.</p> <p>87. Repeals. Savings. Schedule.</p>
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1927, No. 35.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Suppression of various Offences and in Restraint of Vagrancy. Title.
[24th November, 1927.]

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

1. (1) This Act may be cited as the Police Offences Act, 1927, and it shall come into force on the first day of January, nineteen hundred and twenty-eight. Short Title and commencement.

(2) This Act is divided into Parts, as follows:—

PART I.—General Police Provisions. (Sections 3 to 39.)

PART II.—Indecency and Vagrancy. (Sections 40 to 60.)

PART III.—Billiard-rooms and Boxing and Wrestling Contests. (Sections 61 to 72.)

PART IV.—Miscellaneous Provisions. (Sections 73 to 87.)

2. In this Act, if not inconsistent with the context,—

“Imprisonment” means imprisonment with or without hard labour at the discretion of the convicting Court: Interpretation.

“Local authority” means the body or persons in whom the property in any public place is vested, or who have the management or control of any public place as defined in this Act: Ibid., s. 2

“Public place” includes and applies to every road, street, footpath, footway, court, alley, and thoroughfare of a public nature, or open to or used by the public as of right, and to every place of public resort so open or used.

PART I.

GENERAL POLICE PROVISIONS.

Obstructions and Breaches of Good Order.

3. Every person is liable to a fine not exceeding five pounds who—
- (a) Throws or places any glass, filth, dirt, rubbish, or other matter of a similar nature, or any earth, stones, or other material, upon any public place; or
- (b) Rides or drives, or wheels any truck, barrow, or carriage of any kind, upon or along any public footpath, or carries any load on his shoulders or otherwise, to the danger or obstruction of persons using such footpath; or
- Offences relating to good order, nuisances, and obstructions in public places.
Ibid., s. 3
1924, No. 29, s. 2

- (c) Places any hoarding, scaffolding, timber, bricks, or other building materials upon any public place without having first obtained the permission of the local authority; or
- (d) Leaves standing or lying upon any part of a public place any truck, wheelbarrow, or similar thing, or any packing-case, crate, basket, cask, barrel, package, or any other encumbrance; or
- (e) Burns any litter, straw, shavings, or other combustible materials upon any public place, or on any open space near any building and so as to endanger such building; or
- (f) Leaves any inflammable materials or matter in any public place, or on any open space near any building, without having first obtained the permission of the local authority; or
- (g) Draws or trails any sledge, timber, or any other heavy material in or upon any public place to the injury of or material damage to such public place; or
- (h) Allows the drippings of the eaves of any house to fall upon any public footpath or footway; or
- (i) Opens any drain or sewer, or removes the surface of any public footpath, public footway, or public carriage road, or makes any cellar-door or other opening from the footway of any public place, without having first obtained the permission of the local authority; or
- (j) Has any awning or show-board or sign-board on any public footpath or footway not being eight feet clear above such footpath or footway, or hangs any goods on or under such awning over such footpath or footway; or
- (k) Exposes for sale any article whatsoever on or outside of any shop window or doorway abutting on any public place so as to encroach thereon; or
- (l) Suspends or places any carcass, meat, or offal so as to overhang any part of a public place; or
- (m) Neglects to clean any private yard, way, passage, or avenue by which neglect a nuisance by offensive smell or otherwise is caused; or
- (n) Empties any privy or cesspool, or carts away any nightsoil or other offensive matter, without a license from and without having given such security as may be required by the local authority; or
- (o) Spills or casts, or allows to be spilt or cast, into or upon any public place any nightsoil or other offensive matter; or
- (p) Sells or exposes for sale, or has in possession with intent to sell, any unwholesome meat, fish, game, poultry, or fruit, or vegetables, or milk; or
- (q) Slaughters, except in cases of inevitable necessity, or skins any animal upon any public place, or permits any slaughtered animal or skin to remain there, or leaves any dead animal on such place; or
- (r) Throws or leaves any dead animal or part thereof, or animal remains, or offensive matter of any kind upon any public place, or into any river, creek, stream, or other water, or on the bank thereof; or

- (s) Suffers any dead animal or any part thereof to remain unburied upon his land or on premises in his occupation adjacent to any public place so as to become a nuisance ; or
- (t) Neglects to bury or cause to be buried the body or part of the body of any animal belonging to him, or in his charge or keeping, that may have died while straying or while being driven from any one place to another ; or
- (u) Exposes in any public place (except in any fair or market lawfully appointed for that purpose) any horse or other animal for show, hire, or sale ; or shoes, bleeds, or dresses any horse in any public place : or
- (v) Permits any horse to serve a mare for breeding purposes, or permits a mare to be brought to a horse, or a horse to be brought to a mare, in order to ascertain if she is in season for taking the horse for breeding purposes, in or within sight of any public place ; or
- (w) Rolls any cask, beats any carpet, flies any kite, uses any bows and arrows, or catapult, or shanghai, or plays at any game to the annoyance of any person in any public place, or obstructs any public place whether by allowing any cart or animal to remain across such public place, or by placing goods thereon, or otherwise ; or
- (x) Wantonly or maliciously disturbs any inhabitant by ringing any door-bell, knocking at any door, blowing any horn, beating any drum, using any other noisy instrument in any public place, or ringing any firebell ; or
- (y) Places any placard or other document, writing, or painting on or otherwise defaces any house or building, or any wall, fence, lamp-post, or gate, without the consent of the occupier or owner thereof ; or
- (z) Throws or discharges any stone or other missile to the damage or danger of any person or property ; or
- (aa) Removes any stone, sand, or boulders from any foreshore to the danger of any road, land, harbour-works, or public works. For the purposes of this paragraph "foreshore" shall be deemed to be that portion of the shore lying between high- and low-water marks at spring tides ; or
- (bb) Blasts any rock, stone, or timber in or near any public place without permission of the local authority, or does not attend to any directions in regard thereto given by such local authority ; or
- (cc) Discharges any firearms without reasonable cause, or sets off any fireworks or explosive material, in or on any public place, or so near thereto as to endanger, annoy, or frighten the passers-by ; or
- (dd) Disturbs any congregation assembled for public worship, or any public meeting, or any meeting for any lecture, concert, or entertainment, or any audience at any theatre, whether money is charged or not for such lecture, concert, entertainment, or theatre ; or interferes with the orderly conduct of any religious service in any church, chapel, cemetery, burial-ground, or other building or place ; or

Removing material
from foreshore

Insulting behaviour
in a public place.

- (ee) In or in view of any public place as defined by section forty hereof, or within the hearing of any person therein, behaves in a riotous, offensive, threatening, insulting, or disorderly manner, or uses any threatening, abusive, or insulting words, or strikes or fights with any other person.

Furious Driving, &c.

Offences by persons
on public places, &c.
1908, No. 146, s. 4

4. (1) Every person is liable to a fine not exceeding ten pounds who, in or upon any public place,—
- (a) Being the driver, rides on any cart, dray, or wagon without reins, no competent person having charge of the animal drawing the same, or is away from his horse or cattle so as to be unable to have the full control thereof; or
 - (b) Acts as driver or has the sole charge of more than one vehicle, unless in cases where two of such vehicles and no more are drawn each by one horse only, and the horse of the hinder of such vehicles is attached by a sufficient rein to the back of the foremost of such vehicles; or
 - (c) Drives any vehicle whatever or rides any animal and, when meeting any other vehicle or animal, does not keep on the left or near side of the road or street, or, when passing any other vehicle or animal going in the same direction, does not go or pass, or does not allow any person desirous so to do to pass, when practicable, on the right or off side of such other vehicle or animal; or
 - (d) Furiously or negligently rides or drives any animal or vehicle or engine, carriage, or conveyance of any kind; or
 - (e) Drives any vehicle laden with any goods or materials which project on either side more than five feet from the centre of such vehicle; or
 - (f) Drives or allows to stand any cart, coach, or other vehicle with the curtain, covering, or awnings thereof unfastened and liable to be flapped about by the wind so as to frighten or be calculated to frighten horses; or
 - (g) Being the driver or guard of a public vehicle for the conveyance of passengers, allows more passengers to enter or remain in or upon such vehicle than it is licensed to carry, or wilfully delays on the road, uses any abusive or insulting language to any passenger, or by reason of intoxication, negligence, or other misconduct endangers the safety or property of any passenger or other person, or demands or exacts more than the proper fare due from any passenger; or
 - (h) Drives any dog or goat harnessed or attached to any vehicle; or
 - (i) Permits any cattle to be at large or without proper guidance, or to wander, or to be herded or grazed, or unlawfully obstructs or prevents the driving of any cattle; or
 - (j) Sets on, urges, or permits any dog or other animal, whether or not being the owner of such dog or animal, to fight, attack, or worry any other dog, or to attack or worry or put in fear any person or animal, or by ill-usage or negligence in driving any cattle causes any mischief to be done by such cattle; or

- (k) Leaves any plough, harrow, cart, or other vehicle without reasonable excuse ; or
- (l) Being in charge of any traction-engine, propels or causes the same to be propelled along or over any public road, highway, street, or bridge unless the engine is accompanied by two men at the least, part of whose duty it shall be to keep a careful lookout, both in front of and behind the engine, for horses and vehicles which may be approaching, to warn the riders and drivers of such horses and vehicles of the proximity of the engine, and to assist them in passing the engine in safety ; or
- (m) Being in charge of any traction-engine as aforesaid, upon being signalled by the rider or driver of any horse or vehicle to stop such engine fails so to do ; or, if it appears that the rider or driver of any horse or vehicle meeting or overtaking such engine has difficulty in passing the same, fails to forthwith stop and render all possible assistance ; or
- (n) Propels any traction-engine or causes the same to be propelled upon, along, or over any public road, highway, street, or bridge between sunset and sunrise unless the engine carries as a signal a red light showing both in front and behind ; or
- (o) Propels or causes to be propelled any traction-engine along or over any public road, street, or highway unless the said engine has painted in plain and legible letters, on some conspicuous part of the off-side thereof, the full name and address of the owner of the engine ; and, in counties and boroughs where provision is made by local by-laws for the registration of such engines, unless the said engine has painted on some conspicuous part thereof, in plain and legible figures of not less than six inches in length, the registered number of such engine ; or
- (p) Wilfully or negligently encumbers or obstructs a public place in any manner not before specially described.
- (2) In this section "cattle" includes any horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, heifer, steer, calf, sheep, ram, ewe, lamb, goat, and pig of any kind.

Endangering Safety.

5. Every person is liable to a fine not exceeding twenty pounds or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, in the discretion of the convicting Justice, who—

Offences tending to personal injury.
1908, No. 146. s. 5

- (a) Places any obstruction in or upon any public place, or in or upon any canal or river, whereby life or limb is likely to be endangered ; or
- (b) Leaves any hole, excavation, or dangerous formation in, upon, or near any public place without fencing or enclosing the same or keeping a light burning upon such enclosure from sunset to sunrise ; or
- (c) Does not keep in good repair any rail, gate, fence, or cover over or about any area or entrance to any cellar or other

place opening into or upon or near any public place, or keeps open for more than a reasonable time for taking in or out any articles any entrance to any such area, cellar, or other place ; or

- (d) Throws any offensive matter, or any live animal with the intention of drowning it, into any river, watercourse, canal, or other place whence the supply of water for the use of the inhabitants is obtained.

Wilful Destruction of Property.

Wilful destruction of property, whether public or private.
1908, No. 146, s. 6

6. Every person is liable to a fine not exceeding ten pounds or to imprisonment for any term not exceeding three months who—

- (a) Wilfully breaks any pane of glass in the window of any building ; or
 (b) Wilfully extinguishes or injures or breaks any lamp, or wilfully breaks or injures any lamp-post ; or
 (c) Wilfully trespasses in any place, and neglects or refuses to leave such place after being warned to do so by the owner or any person authorized by or on behalf of the owner ; or
 (d) Wantonly or maliciously defaces, injures, or removes any door-plate, or other plate or board with any name or notice thereon, or any bell, knocker, sign-board, or gate ; or
 (e) Wilfully sets on fire any timber, bush, scrub, grass, fern, flax, or other vegetation upon any land not his own property or in his own occupation.

Cruelty to Animals.

Cruelty to animals.
Ibid., s. 7
1919, No. 19, s. 5

7. (1) Every person is liable to a fine not exceeding twenty pounds or to imprisonment for any term not exceeding two months who—

- (a) Cruelly beats, kicks, ill-treats, overrides, overdrives, overloads, tortures, infuriates, or terrifies any animal ; or causes or procures or, being the owner, permits any animal to be so used ; or by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or being the owner permits any unnecessary suffering, to be so caused to any animal ; or
 (b) Being the owner of or having the charge of any animal, omits to supply any such animal with proper and sufficient food, water, or shelter ; or
 (c) Keeps or uses or acts in the management of any place for the purpose of fighting or baiting any kind of animal, or permits or suffers any place to be so used, or receives money for the admission of any other person to any place kept or used as aforesaid ; or
 (d) In any manner encourages, aids, or assists at the fighting or baiting of any animal ; or
 (e) Slaughters, brands, conveys, or carries, or causes to be slaughtered, branded, conveyed, or carried, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering.

(2) In this and the next succeeding section "animal" includes any beast or bird of any kind or species whatever, whether of domestic or wild nature, and whether indigenous or imported into New Zealand.

(3) If a conviction under this section take place before a Magistrate or any two or more Justices such Magistrate or Justices may, instead of inflicting a fine, forthwith sentence the offender to imprisonment for any term not exceeding six months.

(4) Where an offence against either paragraph (a) or paragraph (b) of this section is committed any constable may, on his own view thereof or on complaint made to him by any other person who declares his name and place of abode to the said constable, take possession of any animal the subject of such offence, and convey such animal to some place of safety, and there detain the same until the information or complaint in respect of such offence has been heard and determined, or for any shorter period.

Police may detain animals belonging to offender at owner's cost.

(5) In any such case where the person charged is convicted the Magistrate or the Justice or Justices before whom the conviction takes place shall, in addition to all other powers vested in him or them by this Act, have power to order the offender to pay any reasonable sum for defraying the cost of keeping such animal while so detained as aforesaid or otherwise incurred by the constable in connection with such detention.

8. (1) Every person who does or omits to do, or causes or procures to be done or omitted to be done, any act the commission or omission of which is constituted an offence under the last preceding section, and thereby does any damage or injury to any such animal, or thereby causes any damage or injury to be done to any person or to any property, shall pay to the owner of the animal or property (if the offender is not the owner thereof), or to the person who sustains damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of twenty pounds, as is ascertained and determined by the convicting Justice.

Liability for damage done through cruelty.
1908, No. 146, s. 8

(2) The payment of such compensation, or any imprisonment for the non-payment thereof, shall not prevent or in any manner affect any penalty or punishment to which any person is liable for or in respect of any offence committed by him under the last preceding section.

Payment of compensation not to prevent proceeding by action.

(3) Nothing herein shall prevent any proceeding by action against any offender or the employer of such offender where the amount of damage or injury is not sought to be recovered under this Act.

9. Every information or complaint in respect of an offence under section seven or section eight hereof shall be laid or made within three months after the cause of offence or complaint arose.

Time for laying information limited
Ibid., s. 9

10. Where an offence against section seven hereof is committed,—

(a) Any constable on his own view thereof shall, or on the complaint of any other person who declares his name and place of abode to the said constable may, take the offender into custody and forthwith, without any other authority or warrant, convey him before a Justice :

Apprehension.
Warrant may issue forthwith.
Ibid., s. 10

(b) Any Justice may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any such offence whenever good grounds for so doing are stated on oath before such Justice.

Vehicles, &c., may be detained and sold. 1908, No. 146, s. 11

11. Where any person having charge of any vehicle or animal is taken into custody by any constable for any offence against section seven or section eight hereof, such constable may take charge of such vehicle or animal and deposit the same in some place of safe custody as security for payment of any fine to which the person having had charge thereof, or the owner thereof, may become liable, and for payment of any expenses necessarily incurred for taking charge of and keeping the same; and any Justice before whom the case is heard may order such vehicle or such animal to be sold for the purpose of satisfying such fine and reasonable expenses, in default of payment thereof, in like manner as if the same had been subject to be and had been distrained for the payment of such fine and expenses.

Constables may inspect saleyards, &c. Ibid., s. 12

12. (1) Any constable may enter at any time into any saleyard or place where animals are usually sold or kept for the purposes of sale, and may inspect the condition of such yard or place and of any animal found therein, and of the appliances for the comfort, food, or shelter for such animals.

(2) Every person who hinders such constable from so entering and inspecting is liable to a fine not exceeding ten pounds.

Killing of animals. Ibid., s. 13

13. If it appears to any Magistrate or Justice by personal inspection or by the testimony of a competent witness that any animal impounded in any pound, or found elsewhere, is in such a weak, disabled, or diseased state that it ought to be killed, he may, by writing under his hand, order that the said animal shall be forthwith killed; and such order shall be sufficient authority to the poundkeeper or owner of the animal, or any other person authorized by the said Magistrate or Justice, to kill the same.

Special constables may be appointed to prevent cruelty. Ibid., s. 14

14. (1) Any Magistrate or any two or more Justices may appoint, in writing under his or their hands, any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable, to act for such time and within such limits as may be appointed.

(2) Such special constable shall, during such time and within such limits as his appointment extends, have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has by the common law of England or under any Act in force in New Zealand, and shall be deemed to be a constable within the meaning of sections ten and twelve hereof.

Application of fines recovered in respect of offences of cruelty to animals. 1924, No. 29, s. 3

15. Where proceedings for an offence against section seven hereof are instituted by any person acting on behalf of a society established for the prevention of cruelty to animals, the amount of the fine (if any) recovered in respect of that offence shall be paid to that society without further appropriation than this section.

Laying Poison.

16. Every person is liable to a fine not exceeding ten pounds who—
 (a) Throws, casts, drops, or lays, or causes or procures to be thrown, cast, dropped, or laid, any poison—

Laying poison in or near public places or on another person's premises.

(i) On or in any public place, or any place adjacent thereto, in any borough or town district, or on or within three chains of any highway outside of any borough or town district; or

1908, No. 146, s. 15

(ii) On any land or premises anywhere not in his own actual occupation:

(b) Buries any poison in any land at less than two feet from the surface thereof.

17. Nothing in the last preceding section shall affect or control any of the provisions of the Rabbit Nuisance Act, 1908, or make it illegal to spray with arsenic or other poisonous liquid any noxious weeds at any time between the thirtieth day of April and the thirty-first day of December in any year if immediately such poisonous liquid is used and for thirty days thereafter the word "Poison," painted in white-lead paint in letters not less than four inches in length on a black board, is fixed on a pole not less than eight feet above the ground in some conspicuous position near to the place where the poisonous liquid is used.

Exceptions.

Ibid., s. 16

Sunday Trading.

18. (1) Every person is liable to a fine of five pounds who on Sunday, in or in view of any public place, trades, works at his trade or calling, deals, transacts business, sells goods, or exposes goods for sale.

As to Sunday trading.

1924, No. 29, s. 4

(2) Every person is liable to a fine of five pounds who on Sunday keeps open any house, store, shop, bar, or other place for the purpose of trading, dealing, transacting business, selling goods, or exposing goods for sale.

(3) Nothing in the foregoing provisions of this section shall apply to works of necessity or charity, or the driving of live-stock, or the sale of refreshments for consumption on the premises, or the sale of medicine or of surgical or medical appliances, or of anything required in connection with sickness or accident, or the sale or delivery of milk, or to hairdressers or barbers before nine o'clock in the forenoon, or to persons driving any public or private motor-car, carriage, or cab, or to persons employed in the working of railway-trains or tram-cars or cable-lines, or on steamers, vessels, or boats, or in a motor-garage, or to any livery-stable keeper, or to any person letting boats for hire, or to any person employed in or in connection with any telegraph-office or post-office, or to any person employed in preparing, printing, and publishing a daily newspaper.

(4) The Minister of Railways may, by warrant under his hand addressed to any person, authorize such person, either by himself or by his employee or employees, to open for business any railway bookstall at any station where Sunday trains are running, and carry on the ordinary business thereof on any Sunday or Sundays during such time as may be specified in such warrant. The said Minister may in like manner modify or cancel any such warrant.

(5) Any person acting under and in accordance with the authority contained in any such warrant shall not be liable under the provisions of subsections one and two of this section.

Publication of False Notices of Births, &c.

Sending false notice of birth, &c., for publication. 1908, No. 146, s. 18

19. (1) Every person is liable to a fine not exceeding thirty pounds or, in the discretion of the convicting Justices, to imprisonment for any term not exceeding one month who—

- (a) Sends or causes to be delivered to the proprietor, printer, or publisher of any newspaper, for the purpose of publication therein, an untrue notice of the birth of a child, or of the marriage of any persons, or of the death of any person; or
- (b) Being a printer or publisher of a newspaper, prints or publishes any such notice knowing the same to be untrue.

Publishing false notice.

Name of person sending notice may be demanded.

(2) Every printer or publisher of a newspaper is liable to a fine not exceeding twenty pounds who, on application in writing made to him by a person interested within fourteen days from the publication of the notice of a birth, a marriage, or a death in such newspaper, refuses to furnish the person so applying with the name of the person who sent or delivered such notice for publication.

(3) In this section "newspaper" has the meaning assigned to it by the Printers and Newspapers Registration Act, 1908.

(4) All proceedings under this section shall be taken, heard, and prosecuted in a summary manner, before two or more Justices, under the Justices of the Peace Act, 1927.

Imitation of Court Documents and other Cases of False Representation.

Imitation of Court documents an offence.

Ibid., s. 19

20. (1) Every person commits an offence and is liable to a fine not exceeding ten pounds who sends, posts, or delivers to any other person any document which is intended or likely, by reason of its wording or appearance or in any other manner, to cause any person ignorant of the law to believe, contrary to the fact, that such document has been issued by or by the authority of a Court, Judge, Magistrate, or Justice, or by an officer of a Court, or that the issue or delivery of such document has any legal effect or operation as a step or process in or preliminary to any legal proceedings, whether civil or criminal, before any Court, Judge, Magistrate, or Justice.

(2) Every person commits an offence and is liable to a fine not exceeding twenty pounds who prints or sells or offers for sale any printed form of document intended to be filled up and used as a document the delivery of which to any person would be an offence against this section.

(3) It shall not be a defence in any prosecution for an offence against this section that the person receiving any such document was not actually deceived thereby, or that such document does not profess to be and does not resemble any summons, notice, or other document which any actual Court, Judge, Magistrate, Justice, or officer has authority to issue, or the issue of which has any such legal effect or operation as is hereinbefore in this section mentioned.

(4) In any information for an offence against this section it shall be sufficient to allege that the defendant sent, posted, delivered, printed,

sold, or offered for sale, as the case may be, a document in imitation of judicial process.

21. (1) Every person commits an offence and is liable to a fine not exceeding twenty pounds who issues, distributes, or publicly exhibits any document which is intended or likely, by reason of its wording or appearance or in any other manner, to cause any person or the public to believe, contrary to the fact, that such document is an official document, or that it is or contains a copy of or an extract from an official document, or that it sets forth the substance of an official document.

Offence to issue or exhibit documents falsely purporting to be official documents.

1919, No. 19, s. 4

(2) In this section "official document" means a document issued by or with the authority of His Majesty, or of the Governor-General, or of the Executive Council, or of any Minister or officer in the service of the Crown in his capacity as such, or of any local or public authority, or of any member or officer of any such authority in his capacity as such.

"Official document" defined.

22. (1) Every person commits an offence and is liable to a fine not exceeding twenty pounds who publicly uses in connection with his business, trade, calling, or profession any written words, initials, or abbreviation of words intended or likely to cause any person to believe, contrary to the fact, that he holds a degree, diploma, or certificate granted or issued by any University or other institution, society, or association, whether in New Zealand or elsewhere, or that he is a member, associate, or fellow of any such institution, society, or association.

Public use of words, initials, or abbreviations in certain cases an offence.

1908, No. 146, s. 20

(2) In every prosecution for an offence against this section the burden of proving that the defendant holds such degree, diploma, or certificate, or is a member, associate, or fellow of any such institution, society, or association, shall be on the defendant.

(3) It shall be no defence in any prosecution under this section that the words, initials, or abbreviation so used by the defendant do not refer or profess to refer, or were not understood by any person to refer, to any particular or actual University, institution, society, or association.

(4) In any prosecution for an offence against this or any other Act the use of the word "doctor" by a registered medical practitioner shall not in itself be deemed to indicate or to be likely to cause other persons to believe that such medical practitioner holds the degree of doctor in any University.

(5) No prosecution shall take place under this section without the previous consent of the Attorney-General.

23. (1) Every person carrying on any trade, business, calling, or profession who, without a written authority or appointment signed by or on behalf of the Governor-General, or after any such authority or appointment has been revoked, publicly uses, exhibits, or makes in connection with such trade, business, calling, or profession any sign, device, trade-name, trade-mark, or written statement indicating or calculated to lead other persons to believe that he is or was carrying on such trade, business, calling, or profession under the authority, sanction, approval, appointment, or patronage of the Governor-General or of any member of the Governor-General's family commits an offence, and is liable to a fine not exceeding fifty pounds.

Offence to carry on trade, &c., implying appointment by Governor-General without authority.

Ibid., s. 21

(2) In every prosecution for an offence against this section the burden of proving that the defendant so acted with the written authority or appointment of the Governor-General shall be on the defendant.

(3) In this section all references to the Governor-General shall be read as being also references to his predecessors in office.

(4) In any prosecution for an offence against this section the term "Governor-General" as used in any sign, device, trade-name, trade-mark, advertisement, or written statement shall be deemed and taken to mean the Governor-General in office at the time of the offence committed, unless it is otherwise expressly indicated in such sign, device, trade-name, trade-mark, advertisement, or statement.

(5) In any information for an offence against this section it shall be sufficient to allege that the defendant did without lawful authority profess to carry on business under the patronage of the Governor-General or of a member of the Governor-General's family, as the case may be.

Use of words denoting Government patronage prohibited. 1908, No. 146, s. 22

24. Every person is liable to a fine not exceeding twenty pounds who, without the authority of the Minister of Internal Affairs (the proof whereof shall rest on the person claiming to act under the authority),—

- (a) Places or erects, or permits to be placed or erected, or permits to continue, contrary to this Act or after any such authority has been revoked, on or near to his house, shop, or premises, or on any conveyance, any sign, writing, or painting bearing the words "New Zealand Government," or "Government," or any other words or mark implying that such person or any business conducted by him is connected with or under the patronage of the Government or any Department thereof, or of any Minister; or
- (b) Advertises or causes to be advertised in any newspaper or issues any circular or notice containing the like words or mark.

Disfiguring Crown and other Public Lands.

Disfiguring natural objects, &c. Ibid., s. 23

25. Every person who, without the special permission first had and obtained of the Commissioner of Crown Lands, of the local authority, or of the controlling authority of any educational or other public reserve, as the case may require (the proof of which permission shall rest on the person claiming to act thereunder),—

Paints, carves, or otherwise affixes or displays any letters, words, figures, or device for advertising or other purposes upon any land vested in the Crown or in any local authority, or upon any such reserve as aforesaid, or upon any rock, tree, or other natural feature thereof, or upon any building, fence, or other structure erected thereon,—

is liable to a fine not exceeding twenty pounds, and may in addition thereto be adjudged to pay to the Crown or to the local or controlling authority such sum as the Court deems sufficient to defray the cost of obliterating or removing such letters, words, figures, or device, which sum shall be recoverable in like manner as a fine.

Combinations affecting the Supply of Light or Water.

26. (1) No person employed by a local authority, or by any company or contractor upon which or upon whom there is imposed by statute the duty or which or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof, with gas, electric light, or water, shall combine or agree with any other person or persons to leave, without due notice, the employ of such local authority, company, or contractor, if the effect of such combination or agreement may reasonably be expected to be that the inhabitants of such city, borough, town, or place, or part thereof respectively, will be for any time deprived wholly or to a great extent of their supply of gas, electric light, or water.

Combination affecting the supply of gas, electric light, or water.
1908, No. 146, s. 24

(2) "Due notice," for the purpose of this section, means at least fourteen days' notice in writing.

(3) Every person who combines or agrees in a manner forbidden by this section is liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

Tobacco-smoking by Youths.

27. (1) Every person is liable to a fine not exceeding ten pounds who sells, gives, or supplies any cigarette, cigar, or tobacco in any form to any youth under the age of fifteen years.

Supplying tobacco to youths.
Ibid., s. 25

(2) Every youth under the age of fifteen years who in a public place smokes a cigarette, cigar, or any part thereof, or tobacco in any form, is liable for the first offence to have a conviction recorded against him, and for the second and any subsequent offence to a fine not exceeding five shillings.

Smoking by youths prohibited.

(3) No youth shall be convicted under this section for using or smoking tobacco, cigars, or cigarettes if he produces a certificate of a legally qualified medical practitioner to the effect that the using or smoking of tobacco, cigars, or cigarettes is beneficial to the health of such youth; and no person shall be liable to conviction for supplying tobacco, cigars, or cigarettes to any youth to whom such medical practitioner has given a certificate as aforesaid.

No conviction if for benefit of health.

(4) No youth shall be liable to imprisonment in respect of any fine imposed under subsection two hereof.

Use of Firearms by Youths.

28. (1) It shall not be lawful to sell or supply firearms or any kind of ammunition for a firearm to any person under the age of sixteen years.

Sale of firearms, &c., to young persons prohibited.
Ibid., s. 26

(2) It shall not be lawful for any person under the age of sixteen years to use or carry or have in his possession any firearm or any kind of ammunition for a firearm.

Use of firearms, &c., by young persons prohibited.

(3) Every person who commits a breach of this section is liable to a fine not exceeding ten pounds.

Penalty.

(4) Where any person under the age of sixteen years is convicted of a breach of subsection two hereof the firearm so used or carried by him or had in his possession shall be forfeited to the Crown, and may be dealt with as the Minister of Internal Affairs directs.

Firearm to be forfeited.

- Proof of age. (5) Where on the hearing of any proceedings the age of the person charged is not proved, the Magistrate or Justices may decide on his or their own view and judgment whether such person has attained the age of sixteen years.
- Recovery of fines. (6) All fines imposed by this section shall be recoverable in a summary way before any Magistrate or two Justices.
- Young person not to be imprisoned. (7) No person under the age of sixteen years shall be liable to imprisonment in respect of any fine imposed for a breach of subsection two hereof.
- When section not to apply. (8) Nothing in this section shall apply to any person under the age of sixteen years practising under proper supervision with a Morris tube or miniature rifle on a properly constructed miniature rifle range.
- Interpretation. (9) For the purposes of this section—
“Firearm” means any gun or pistol of less calibre than .303, whether acting by the force of gunpowder or not.

Unauthorized Consular Agents.

Unauthorized representative of foreign States. 1918, No. 10, s. 28

29. (1) It shall not be lawful for any person without the exequatur or other authorization of the Crown to act as or to purport or profess to be a diplomatic, consular, commercial, or other representative, agent, or officer of any foreign State or political community, whether recognized by His Majesty or not.

(2) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds.

(3) In every prosecution for an offence against this section proof that the accused person acted or purported to act as or professed to be a diplomatic, consular, commercial, or other representative, agent, or officer of any foreign State or political community shall be *prima facie* evidence that the accused has committed an offence against this section. The onus of proof that the person so accused had the exequatur or other authority of the Crown for so acting or for so purporting or professing shall be upon the person accused.

Prohibiting Use of certain Words having Reference to the Great War.

Governor-General may prohibit the use of certain words having reference to the Great War for purposes of trade or business.

1916, No. 13, s. 33

30. (1) The Governor-General may from time to time, by notice in the *Gazette*, prohibit the use in connection with any trade or business of any word having reference in any way to the Great War, on the ground that the use of the said word for any such purpose may be offensive to public sentiment.

(2) The prohibition of the use of any word under this section shall be deemed to include the prohibition of the use of any abbreviation or variation of such word, and also the use of any other word that may incorporate such word, variation, or abbreviation.

(3) Every person who acts in contravention of a notice under this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Nothing in this section shall affect the right of the proprietor of any trade-mark registered before the publication of a notice

under this section and containing any word the use of which for the purposes of any trade or business is prohibited or deemed to be prohibited by such notice to continue to use such trade-mark for a period not exceeding three months after the issue of that notice.

(5) While any notice under this section remains in force the Registrar of Patents, Designs, and Trade-marks shall refuse to accept any application for the registration of a trade-mark including any word prohibited or deemed to be prohibited by such notice; and on the expiration of three months after the issue of any such notice the Registrar shall, if such notice remains in force, cancel the registration of any trade-mark that includes any such word, or may modify any such trade-mark by the exclusion of any such word.

(6) Proceedings under this section shall not be instituted except with the previous consent of the Attorney-General.

Unlawful Use of Military Decorations.

31. (1) If any unauthorized person uses or wears any military decoration, or any medal, clasp, badge, ribbon, stripe, emblem, or decoration whatsoever so nearly resembling a military decoration as to be calculated to deceive; or if any person falsely represents himself to be a person who was or has been entitled to use or wear any military decoration; or if any person without lawful authority or excuse supplies or offers to supply any military decoration, or any medal, clasp, badge, ribbon, stripe, emblem, or decoration whatsoever so nearly resembling a military decoration as to be calculated to deceive, to any person not authorized to use or wear that military decoration, the person so acting in any such case shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Offences with respect to military decorations.
1919, No. 19, s. 7

(2) In any prosecution for an offence against this section the burden of proving that any person was authorized to wear or use any military decoration shall lie upon the accused.

(3) In this section the term "military decoration" means any medal, clasp, badge, ribbon, stripe, emblem, or decoration whatsoever issued, supplied, or authorized, or purporting or reputed to be issued, supplied, or authorized, by a military or naval authority, whether in New Zealand or elsewhere within His Majesty's Dominions, but does not include an ordinary regimental badge or any brooch or ornament representing such a badge.

Interpretation.

Unlawful Use of Motor-cars, &c.

32. (1) Every person commits an offence, and is liable on summary conviction to a fine of twenty pounds or to imprisonment for three months, who unlawfully and without colour of right, but not so as to be guilty of theft thereof within the meaning of the Crimes Act, 1908, takes or converts to his use or to the use of any other person any horse, or any motor-car or other vehicle or carriage of any description, or any launch, yacht, boat, or other vessel.

Unlawful use of motor-cars, &c.
1924, No. 29, s. 10

(2) In addition to any penalty under the last preceding subsection, the Magistrate or Justices by whom any person is convicted

of an offence under this section may order the person so convicted to pay to the owner a sum not exceeding twenty pounds by way of compensation for any damage to or in respect of the thing so taken or converted arising out of the unlawful taking or conversion thereof, and all moneys so ordered to be paid shall be recoverable in the same manner as fines are recoverable.

(3) The making or enforcement of an order under the last preceding subsection shall not affect the right of the owner or of any other person to recover by civil action any damages in excess of the amount specified in that order.

(4) Any constable may arrest without warrant any person whom he has good cause to suspect of having committed or of being about to commit any offence to which this section relates.

Unlawful Intimidation or Violence, or inciting thereto.

Penalty for unlawful intimidation or violence with a view to restricting the freedom of any person to do or abstain from doing any act.

1913, No. 52, s. 2

33. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

- (a) Uses violence to or intimidates such other person or his wife or children, or injures or threatens to injure his property; or
- (b) Follows such other person about from place to place; or
- (c) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (e) Follows such other person with two or more other persons in a disorderly manner in or through any street or road,

is liable on summary conviction to a fine not exceeding twenty pounds or to three months' imprisonment.

Inciting violence, disorder, or lawlessness.

1919, No. 19, s. 2

34. Every person commits an offence, and is liable on summary conviction before a Magistrate to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, who incites, encourages, or procures disorder, violence, or lawlessness.

Obtaining Credit by Fraud.

Obtaining credit by fraud.

1924, No. 29, s. 12

35. Every person is liable on summary conviction to four months' imprisonment or to a fine of twenty pounds who in incurring any debt or liability obtains credit by means of any fraud to an amount not exceeding fifty pounds.

Obtaining Admission to any Place without paying Fee.

Offence to obtain admission to any place without paying fee lawfully charged for admission thereto.

1926, No. 12, s. 2

36. (1) Every person commits an offence, and is liable to a fine of ten pounds, who—

- (a) Without right obtains admission to any place without having paid any fee lawfully chargeable for admission thereto at the time he obtains admission; or

(b) Having obtained admission to such place at any other time remains therein without right after any such fee becomes payable without paying the same.

(2) Any constable may remove any such person from any such place, and may demand his name and address, and if he has reasonable ground to suppose that the name or address given is false may require evidence of the correctness thereof.

(3) If such person fails on such demand to give his name and address or such evidence the constable may arrest him without warrant.

(4) Every person is liable to a fine of five pounds who when required by a constable under this section to give his name and address fails so to do, or gives a false name or address, or gives false evidence with respect to such name or address.

Unauthorized Programmes.

37. Every person commits an offence, and is liable to a fine of twenty pounds or to imprisonment for one month, who prints, publishes, sells, or circulates any document purporting to be a programme of football or cricket matches or horse-racing or trotting events without express license in that behalf from the person or association of persons having the management and control thereof.

Offence to publish unauthorized programmes. 1924, No. 29, s. 14

General.

38. Any person who incites any other person to commit any offence punishable by imprisonment, whether on summary conviction or on indictment, shall be guilty of an offence punishable on summary conviction by a fine not exceeding twenty pounds or by imprisonment for a term not exceeding three months, nor exceeding the maximum term of imprisonment to which a person who commits the first-mentioned offence is liable.

Inciting to the commission of offences. 1913, No. 52, s. 3

39. In any case where in proceedings for an offence against this Part of this Act it appears to the Court before which the complaint or information is heard that the person committing the offence has acted only under the orders or by the sanction of his master or employer, and that such master or employer is in fact the offending party either solely or as well as the person so rendered liable, the Court may summon and proceed against such master or employer as if the information or complaint had originally been laid or made against such master or employer; and may either discharge the person so first informed or complained against, or may otherwise proceed against both, as the Court sees fit.

Masters liable where servants have acted under their orders. 1908, No. 146, s. 27

PART II.

INDECENCY AND VAGRANCY.

40. In this Part of this Act, if not inconsistent with the context, "public place" shall, in addition to the meaning assigned thereto in section two hereof, be deemed to include—

(a) Any public park, garden, reserve, or other place of public recreation or resort; or

Extended interpretation of "public place." Ibid., s. 28 1919, No. 19, s. 6 1924, No. 29, s. 5

- (b) Any railway station, platform, or carriage ; or
- (c) Any public wharf, pier, or jetty ; or
- (d) Any passenger ship or boat plying for hire ; or
- (e) Any licensed public vehicle plying for hire ; or
- (f) Any church, chapel, or other public building where Divine service is being publicly held ; or
- (g) Any public hall, theatre, or room in which any public concert, theatrical representation, or other public entertainment is being held or performed or is taking place ; or
- (h) Any market ; or
- (i) Any auction-room or mart or place while a sale by auction is there proceeding ; or
- (j) Any open bar in the premises of any licensed publican, whether under an annual or temporary license ; or
- (k) Any racecourse, cricket-ground, football-ground, or other such place to which the public have access free or on payment of any gate-money ; or
- (l) Any cabinet or other place in which any telephone is placed for the use of the public ; or
- (m) Any public place as defined in section two hereof, and every other place open to or used by the public, whether on the payment of money or otherwise.

Drunkenness and Riot.

Persons found drunk,
1908, No. 146, s. 29

41. Every person found drunk in any public place is liable—
- (a) On a first conviction, to a fine not exceeding one pound, and in default of payment thereof may be imprisoned for any term not exceeding forty-eight hours ; and
 - (b) On a second conviction within a period of six months, to a fine not exceeding three pounds, and in default of payment thereof may be imprisoned for any term not exceeding seven days ; and
 - (c) On a third conviction within such period of six months, to imprisonment for any term not exceeding fourteen days, or, at the discretion of the convicting Court, to a fine not exceeding five pounds, and in default of payment thereof to fourteen days' imprisonment ; and
 - (d) On any subsequent conviction within such period of six months, to imprisonment for any term not exceeding three months.

Naval ratings
arrested for
drunkenness may be
delivered to ship
without further
authority.
1924, No. 29, s. 11

42. (1) Where any person subject to the Naval Discipline Acts is apprehended pursuant to the last preceding section on the ground only that he has been found drunk in a public place, it shall be lawful for any officer in charge of a police-station to which such person may have been taken pending his being taken and conveyed before a Justice, as required by this Act, to deliver him up to any officer of the ship to which he belongs, or other authorized person, for conveyance to the ship, there to be dealt with in accordance with any Act or regulations relating to naval discipline.

(2) The officer in charge of a police-station may, in his discretion, refuse to deliver up any such person as aforesaid unless he has first

received an acknowledgment in writing that the person so to be delivered up was found drunk in a public place.

(3) In this section the term "Naval Discipline Acts" includes the Imperial Acts respectively cited as the Naval Discipline Act, 1866, and the Naval Discipline (Dominion Naval Forces) Act, 1911.

43. Every person who is drunk while in charge in any public place of any carriage, horse, cattle, or steam-engine, or while in possession of any firearms and ammunition, or who while drunk is guilty of riotous or disorderly behaviour in any public place, is liable to a fine not exceeding ten pounds, or, in the discretion of the convicting Court, to imprisonment for any term not exceeding three months.

Persons found drunk while in charge of horses, &c., or firearms.
1908, No. 146, s. 30

44. (1) Where any person is arrested in a state of helpless drunkenness it shall be the duty of the constable for the time being in charge of such person, until such person is brought before a Justice, to visit the said person from time to time, so that not more than three hours shall intervene between any two of such visits.

Drunken persons to be visited while in custody.
Ibid., s. 31

(2) Proper remedies shall be used in order that such person shall not perish from cold or exhaustion, and if the senior constable present thinks it necessary medical assistance shall be procured without delay for such person.

(3) The Justice before whom any such person as aforesaid is brought may, if he thinks fit, remand such person for not more than seven days, and thereafter for such further time as he thinks proper, to some hospital, infirmary, or other fitting place for curative treatment and care.

Justice may remand such persons to hospital or elsewhere for treatment.

(4) Where any person is so remanded he shall be deemed to be in the custody of the Gaoler, and he may be brought from the place to which he has been sent and be taken before any Justice to be proceeded against for the offence in respect of which he was originally arrested

(5) All expenses incident in either of such cases, and the cost of his maintenance in any hospital, infirmary, or other place to which he may have been sent for curative treatment, shall be paid by such person, and shall be recovered from him in a summary way.

Expenses and cost of maintenance to be paid by persons arrested.

(6) Any Justice before whom he is brought, either in the first instance or at any time thereafter, shall make an order for payment of such expenses, when ascertained, separate from any other order made by him or any other Justice in respect of such person or his offence.

(7) In default of payment of such expenses and cost of maintenance such person may be imprisoned for any term not exceeding three months.

45. Every person is liable to a fine not exceeding ten pounds who keeps or has any house, shop, room, tent, or place of public resort wherein provisions or liquors of any kind are sold or consumed, and knowingly permits or suffers prostitutes or persons of notoriously bad character to meet together and remain therein.

Keepers of refreshment-houses not properly conducting them.
Ibid., s. 32

46. Any common prostitute—

(a) Who loiters and importunes passengers in or upon any public place for the purpose of prostitution is liable to a fine not exceeding two pounds or to imprisonment for any term not exceeding one month :

Prostitutes importuning passengers or being riotous.
Ibid., s. 33

- (b) Who behaves in a riotous or indecent manner in any public place is liable to imprisonment for any term not exceeding three months.

Obscenity.

Exposure of person
or grossly indecent
acts.
1908, No. 146, s. 41
1926, No. 12, s. 3

47. (1) Every person is liable to imprisonment with hard labour for any term not exceeding one year who wilfully and obscenely exposes his person in any public place or within the view thereof, or wilfully does any grossly indecent act in any such place or within the view thereof, whether alone or with any other person, or does any indecent act in any place intending thereby to insult or offend any person.

(2) Every male person accused of or charged with an offence against this section shall be brought before a Magistrate or two or more Justices.

Whipping.

(3) If such Magistrate or Justices, after hearing the evidence, are of opinion that such person cannot be sufficiently punished in a summary way, but that the offence is one which if proved would be deserving of additional punishment, then the person so charged may be committed for trial as for an indictable offence in the ordinary way to the next sittings of the nearest Court of competent jurisdiction; and on conviction before the said Court such person may, in addition to the whole or any part of the punishment hereinbefore provided, be ordered to be once or twice privately whipped in manner prescribed by the Crimes Act, 1908:

Provided that no such whipping shall form part of his sentence unless it has been recommended by the jury.

Using foul language
in a public place.
1908, No. 146, s. 42

48. Every person who uses any profane, indecent, or obscene language in any public place or within the hearing of any person in such public place is liable to imprisonment with hard labour for any term not exceeding one year or to a fine not exceeding twenty pounds.

Idle and Disorderly Persons.

Vagrants, &c.
Ibid., s. 49

49. Every person shall be deemed an idle and disorderly person within the meaning of this Act, and be liable to imprisonment for any term not exceeding three months,—

- (a) Who is the occupier of any house frequented by reputed thieves or persons who have no visible lawful means of support; or
- (b) Who is found in any such house in company with such reputed thieves or persons and does not give a good account of his lawful means of support and also of his being in such house upon some lawful occasion; or
- (c) Who wanders abroad or places himself in any public place to beg or gather alms, or causes or procures or encourages any child so to do; or
- (d) Who habitually consorts with reputed thieves or prostitutes or persons who have no visible lawful means of support.

Arrest of persons
without lawful
means of support.
1926, No. 12, s. 4

50. (1) Where any constable has reasonable cause to believe that any person has no lawful means of support or has insufficient lawful means of support he may arrest such person, either with or without warrant, and bring him before any Justice.

(2) If such person fails to prove to the satisfaction of the Justice that he has sufficient lawful means of support or that such means of support as he has are lawful, he shall be deemed to be an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term of three months.

(3) The fact that any person charged under this section can produce or prove that he possesses money or property shall not be taken into account in deciding such charge unless he shows by his own or other evidence that he honestly obtained such money or property.

(4) This section shall be deemed to form part of the last preceding section.

51. (1) Every person shall be deemed an idle and disorderly person within the meaning of this Act, and be liable to imprisonment for any term not exceeding six months,—

Persons armed by night or wearing disguises.

1908, No. 146, s. 50

(a) Who is found by night armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument, and who being thereto required by any Justice does not give a good account of his means of support and assign a valid and satisfactory reason for his being so armed :

(b) Who has on or about his person without lawful excuse (the proof of which excuse shall be on him) any deleterious drug or any articles of disguise.

(2) Every such gun, pistol, sword, bludgeon, or other offensive weapon or instrument, and every such deleterious drug and article of disguise as aforesaid shall, by the conviction of the offender, become forfeited to His Majesty.

Rogues and Vagabonds.

52. (1) Every person shall be deemed a rogue and vagabond within the meaning of this Act, and be liable to imprisonment with hard labour for any term not exceeding one year,—

Imposters, loiterers, and trespassers by night.

Ibid., s. 51

1924, No. 29, s. 6

(a) Who commits any of the offences in this Part of this Act before mentioned, having been previously convicted as an idle and disorderly person ; or

(b) Who on being apprehended as an idle and disorderly person violently resists any constable so apprehending him, and is subsequently convicted of the offence for which he was so apprehended ; or

(c) Who solicits, gathers, or collects alms, subscriptions, or contributions under any false pretence ; or

(d) Who imposes or endeavours to impose upon any charitable institution or private individual by any false or fraudulent representation, either verbally or in writing, with a view to obtain money or any other benefit or advantage ; or

(e) Who plays or bets in any public place, at or with any table or instrument of gaming, at any game or pretended game of chance ; or

(f) Who has in his custody or possession without lawful excuse (the proof of which excuse shall be on him) any picklock-key, crow, jack, bit, or other implement of housebreaking ; or

- (g) Who is armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument with a felonious intent; or
- (h) Who is found by night having his face blackened, or wearing felt or other slippers, or is dressed or otherwise disguised with a felonious intent; or
- (i) Who is found by night without lawful excuse (the proof of which excuse shall be on him) in or on any building or in any enclosed yard, garden, or area, or in or on board any ship, launch, dredge, yacht, boat, or other vessel; or
- (j) Who, being a suspected person or reputed thief, frequents any port or harbour, river, canal, navigable stream, dock or basin, or any quay or wharf, or any other public place, or any house, building, or other place adjacent to any such port or harbour, river, canal, navigable stream, dock or basin, or quay or wharf, with a felonious intent.

(2) Every such picklock-key, crow, jack, bit, or other implement, and every such gun, pistol, sword, bludgeon, or other offensive weapon or instrument as aforesaid shall, by the conviction of the offender, become forfeited to His Majesty.

53. For the purposes of the two last preceding sections the expression "night" means the time commencing on the expiration of the first hour after sunset and concluding at the beginning of the last hour before sunrise.

54. Every person commits an offence, and is liable on summary conviction to a fine of ten pounds or to imprisonment for three months, who without lawful excuse (the proof of which excuse shall be on him), but in circumstances that do not disclose the commission of or an intention to commit any other offence, is found at any time in or on any building, or in any enclosed yard, garden, or area, or in or on board any ship, launch, dredge, yacht, boat, or other vessel.

Incorrigible Rogues.

55. (1) Every person shall be deemed an incorrigible rogue, and be liable to imprisonment with hard labour for any term not exceeding two years,—

- (a) Who breaks or escapes out of any place of legal confinement before the expiration of the term for which he was committed; or
- (b) Who commits any offence against this Part of this Act which subjects him to be dealt with as a rogue and vagabond, such person having been previously convicted as a rogue and vagabond; or
- (c) Who is apprehended as a rogue and vagabond and violently resists any constable so apprehending him, and is subsequently convicted of the offence for which he was so apprehended.

(2) In lieu of sentencing any such offender the Justice before whom he is charged may, at his discretion, order that such offender be committed to the nearest prison, there to remain until the next sittings of the Supreme Court in the district wherein or nearest to which the said offence was committed; and every offender so committed as

Term "night" defined.

1924, No. 29, s. 8
1926, No. 12, s. 5

Offence of being found on property without lawful excuse but not under circumstances disclosing criminal intent.

1924, No. 29, s. 7
1926, No. 12, s. 5

Persons guilty of prison-breaking and repeated offences may be dealt with summarily.

1908, No. 146, s. 52
1925, No. 19, s. 3

Or committed for trial.

aforesaid shall be there kept to hard labour during the period of his imprisonment.

56. Where an incorrigible rogue is committed to prison there to remain until the next sitting of the Supreme Court such Court may examine into the circumstances of the case in a summary way, and on conviction may order that such offender be further imprisoned and be kept to hard labour for any term not exceeding three years from the time of making such order.

Punishment of incorrigible rogues by Supreme Court. 1908, No. 146, s. 52 (3)
1925, No. 19, s. 3

Apprehension, &c.

57. On information on oath that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue is or is suspected to be in any house, tent, or place kept or purporting to be kept for the reception, lodging, or entertainment of travellers or others, any Justice may enter the same at any time by day or night, or may issue his warrant authorizing any constable or other person in like manner to enter the same and to apprehend and bring before him or any other Justice every such idle and disorderly person, rogue and vagabond, or incorrigible rogue as is found therein, to be dealt with in the manner herein directed.

Lodginghouses, &c., may be searched. 1908, No. 146, s. 53 (1)

58. Any constable or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue may seize any horse or other cattle or any vehicle or goods in the possession or use of such person, and may take and convey the same, as well as such person, before a Justice.

Constable may seize property, &c., of offenders. Ibid., s. 53 (2)

59. (1) Any Justice by whom any person is adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue may order that such offender shall be searched, and that his trunks, boxes, bundles, parcels, or packages and any cart or other vehicle found in his possession or use shall be inspected and searched in the presence of the said Justice.

Justice may direct offenders to be searched and property sold for maintenance in prison, &c. Ibid., s. 53 (3), (4), (5)

(2) The said Justice may order that any money then found with or upon such offender be paid and applied for and towards the expense of apprehending and conveying to prison and maintaining such offender during the time for which he is committed, and towards the expense of any horse or other cattle so seized during the time such horse or cattle are detained.

(3) If on such search money sufficient for the purposes aforesaid is not found, any Justice may order that such horse, cattle, and so much as is necessary of such other effects then found be sold, and that the produce of such sale be paid and applied as aforesaid; and also that the overplus of such money or effects, after deducting the charges for such sale, be returned to the said offender.

60. Any person whosoever, with or without warrant, may apprehend any person found offending against the provisions of this Part of this Act comprised under the headings "Drunkenness and Riot," "Obscenity," "Idle and Disorderly Persons," "Rogues and Vagabonds," and "Incorrigible Rogues," and forthwith take and convey him before some Justice to be dealt with as directed in this Part of this Act, or may deliver him to any constable to be so taken and conveyed and dealt with.

Apprehension of certain offenders under this Part. Ibid., s. 53 (6)

PART III.

BILLIARD-ROOMS AND BOXING AND WRESTLING CONTESTS.

Public Billiard-rooms.

Hours of closing
public billiard-
rooms.
1908, No. 146, s. 54

61. (1) Every public billiard-room shall be closed from eleven o'clock at night until eight o'clock on the following morning, except on Saturdays, when it shall be closed from eleven o'clock at night until eight o'clock on the following Monday morning.

(2) No game of billiards or any other game shall be played in any public billiard-room during the hours the billiard-room is required to be closed.

(3) Every person is liable to a fine not exceeding ten pounds who, being the proprietor or manager of a public billiard-room, fails to close the billiard-room as aforesaid, or permits any game to be played therein during the hours the billiard-room is required to be closed.

(4) For the purposes of this and the two next succeeding sections "public billiard-room" means a billiard-room where billiards or any similar games are played for payment, but does not include a billiard-room in premises licensed under the Licensing Act, 1908, or in a club.

Power to enter
public billiard-
rooms.
Ibid., s. 55

62. (1) For the purpose of enforcing the last preceding section any constable may, with or without warrant, at any time of the day or night enter any public billiard-room, and if he finds any person there in breach of this Act may demand his name and address, and if he has reasonable ground to suppose that the name or address given is false may require evidence of the correctness thereof.

(2) If such person fails on such demand to give his name or address or such evidence the constable may without warrant arrest him, and take him as soon as practicable before a Justice; and in case the person gives his name and address the said Justice may order the release of the said person on bail.

(3) Every person is liable to a fine not exceeding five pounds who when required by a constable under this section to give his name and address fails so to do, or gives a false name, or gives false evidence with respect to such name and address.

(4) Every person found in any such public billiard-room during the hours the billiard-room is required to be closed is liable, unless he satisfies the Court that he was lawfully there, to a fine not exceeding two pounds.

Certain by-laws
not affected.
Ibid., s. 56

63. Where under any by-law made under any other Act any public billiard-room is required to be closed from an earlier hour than eleven o'clock at night, the provisions of sections sixty-one and sixty-two hereof shall extend and apply to such earlier hour and not to eleven o'clock at night.

Boxing Contests.

Interpretation.
Ibid., s. 57

64. In this Act "boxing contest" means any boxing match, boxing competition, or boxing exhibition for admission to which a charge is made, or at which a collection is taken up, or at which those present

are invited or permitted to throw money into the ring or otherwise deposit it in the building or elsewhere, or on the result of which any stake, bet, payment, or prize depends.

65. (1) No boxing contest shall be held except in pursuance of a permit granted by the Inspector of Police of the district in which it is held.

Permit for boxing contest.
1908, No. 146, s. 58

(2) Such a permit shall be granted only on the application of some club or association approved for that purpose by the Governor-General in Council.

(3) Before the Governor-General in Council approves of any club or association as aforesaid two copies of the rules of the club or association, together with two copies of the rules under which it is proposed that boxing contests shall be held, shall be deposited by the club or association with the Minister of Internal Affairs.

(4) The approval of the Governor-General in Council granted as aforesaid may at any time be withdrawn.

66. Every boxing contest shall be conducted in accordance with the rules deposited as aforesaid by the club or association on whose application the permit for the contest was granted, and also in accordance with any regulations which are made under section seventy-one hereof.

Conduct of boxing contest.
Ibid., s. 59

67. A copy of every permit granted for a boxing contest by the Inspector of Police shall be posted up in a conspicuous position at the main entrance of the building or other place in which the contest is held.

Copy of permit to be posted at entrance.
Ibid., s. 60

68. Every person who promotes, holds, or is engaged in, and every person other than a constable who is present at, any boxing contest in respect of which any of the provisions of this Act are not complied with is liable to a fine not exceeding twenty pounds, to be recovered summarily before a Magistrate or two Justices of the Peace in the manner provided by the Justices of the Peace Act, 1927.

Fines, how recoverable.
Ibid., s. 61

69. Any constable may at any time of the day or night enter any premises in which he has reason to believe that a boxing contest is being held, and may if necessary make such entry by force.

Constable may enter building.
Ibid., s. 62

70. Where a constable finds that a boxing contest is being held in breach of this Act he may arrest without warrant every person found present thereat whose name or address is unknown to him and who refuses to give, when requested, his true name and address.

Constable may arrest without warrant in certain cases.
Ibid., s. 63

71. The Governor-General may from time to time by Order in Council make such regulations as he thinks necessary for any of the following purposes:—

Regulations.
Ibid., s. 64

- (a) Prescribing the constitution, powers, and functions of all associations or clubs engaged in the promotion or conduct of boxing contests :
- (b) Limiting the number of such associations or clubs :
- (c) Prescribing rules for the conduct of boxing contests :
- (d) Generally making any other regulations which he thinks necessary in order to give full effect to the provisions of this Part of this Act relating to boxing contests :
- (e) Prescribing fines for the breach of any such regulation.

Wrestling Contests.

Wrestling
contests to be
subject to
supervision.

1924, No. 29, s. 13

72. (1) For the purposes of this section the term "wrestling contest" means any wrestling match, wrestling competition, or wrestling exhibition for admission to which a charge is made or at which a collection is taken up, or at which those present are invited or permitted to contribute money or to deposit it in the building or elsewhere, or on the result of which any stake, payment, or prize depends.

(2) No wrestling contest shall be held except in pursuance of a permit granted by the Inspector of Police of the district in which it is held, and every such contest shall be conducted in accordance with any regulations which may be made under this section.

(3) Every person who promotes, holds, or is engaged in any wrestling contest in respect of which any of the provisions of this section or of regulations thereunder are not complied with is liable to a fine of twenty pounds.

(4) Any constable may at any time of the day or night enter any premises in which he has reason to believe that a wrestling contest is being held, and may if necessary make such entry by force.

Regulations.

(5) The Governor-General may from time to time by Order in Council make such regulations as he thinks necessary for any of the following purposes:—

- (a) Prescribing rules for the conduct of wrestling contests:
- (b) Prescribing fines for the breach of any such regulations:
- (c) Generally making such provisions as he thinks necessary in order to give effect to this section.

PART IV.

MISCELLANEOUS PROVISIONS.

Powers and Duties of Constables.

Apprehension of
offenders whose
names not known,
loiterers, &c.

1908, No. 146, s. 65

73. Any constable, and all persons whom he calls to his assistance, may take into custody without a warrant—

(a) Any person who, within view of any such constable, offends in any manner against this Act, and whose name and residence are unknown to such constable and cannot be ascertained by him:

(b) All loose, idle, and disorderly persons whom he finds disturbing the public peace, or any person whom he has good cause to suspect of having committed or being about to commit any crime or breach of the peace.

Apprehension of
persons charged
with recent assaults.

Ibid., s. 66

74. Any constable may take into custody without a warrant any person charged by any other person with committing any aggravated assault in every case in which such constable has good reason to believe that such assault has been committed, although not within view of such constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

75. Any constable who has reasonable ground for believing that any property which has been stolen or unlawfully obtained is in the possession of any person, or is in any conveyance, package, or receptacle of any description found on or about any wharf, quay, dock, or public place adjacent to any port, harbour, river, canal, navigable stream, inland water, or dock, or is on any ship, launch, dredge, yacht, boat, or other vessel in any port, harbour, river, canal, navigable stream, inland water, or dock, may search and detain for the purpose of search such person, conveyance, package, receptacle, or vessel, and may take possession of any such property found thereon or therein.

Power of search for pillaged goods.
1924, No. 29, s. 9

76. Every person who disturbs or hinders any constable or other person in the execution of this Act is liable for every such offence to a fine not exceeding twenty pounds, and in default of payment forthwith to imprisonment for any term not exceeding three months or until such fine is paid.

Obstructing officers or others.
1908, No. 146, s. 67

77. If any person resists or assaults or wilfully obstructs, or incites or encourages any person to resist, assault, or obstruct, any constable in the execution of his duty, or any person acting in aid of such constable, such person may be taken into custody without warrant by any constable, and on conviction shall be liable to a fine not exceeding twenty pounds or to imprisonment for any term not exceeding three months.

Assaulting or resisting constables, &c.
Ibid., s. 68

78. Any constable who refuses or wilfully neglects to take such offender into custody or to take and convey him before some Justice, or who does not use his best endeavours to apprehend and convey before some Justice any person that he finds offending against this Act, is guilty of a neglect of duty, and on conviction, if such person has been found offending against Part I or Part III of this Act, shall for every such offence be liable to a fine not exceeding five pounds; and, if such person has been found offending against Part II of this Act, to a fine not exceeding twenty pounds; and in default of payment of such last-mentioned sum forthwith may be imprisoned for any term not exceeding three months or until such fine is paid.

Penalty on constable for a neglect of duty.
Ibid., s. 69

Legal Proceedings.

79. All offences and all fines under this Act, when not otherwise provided for, may be heard and determined and recovered in a summary way before one Justice, either on the view of such or any other Justice, or the confession of the offender, or the oath of any credible witness:

Summary proceedings.
Ibid., s. 70

Provided that any person charged with any offence whatever under Part II of this Act shall be entitled to have his case heard by a Magistrate or two Justices, if he declares to any Justice before whom he is taken that he desires to have the case so heard, and he shall be taken with the least possible delay before a Magistrate or two Justices accordingly.

Person charged under Part II may have his case heard by two Justices.

80. In every complaint or information, and in every conviction or warrant of commitment, it shall be sufficient to set forth the offence or cause of complaint, as the case may be, in the words of this Act.

Offence may be set forth in words of Act.
Ibid., s. 71

81. In proceedings under this Act, in proving a criminal intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and

Proving intent to commit a crime.
Ibid., s. 72

he may be convicted if, from the circumstances of the case and from his known character as proved to the Justices or Court before whom or which he is brought, it appears to such Justices or Court that his intent was to commit a crime.

Offences of a serious nature not to be tried under this Act. 1908, No. 146, s. 73

82. If any Justice before whom any information or complaint is brought under this Act is of opinion that the offence so charged does not properly come within the meaning and intention of this Act, but that an indictable offence has been committed, he shall refuse to entertain the information or complaint as under this Act, and shall deal with the same as if such indictable offence had been directly charged in any such information or complaint, whether the person charged has pleaded or not to such information or complaint.

Want of form, no certiorari. Ibid., s. 74

83. No proceeding under this Act, and no information, complaint, conviction, warrant, order, or other proceeding, shall be removed into the Supreme Court by certiorari or otherwise.

Act not to affect any penalty imposed by any other law. Ibid., s. 75

84. Nothing in this Act shall be construed to prevent any person from being indicted for any indictable offence, or to prevent any person from being liable under any law in force to any penalty other than that provided for such offence by this Act, so nevertheless that no person be punished twice for the same offence.

Constable may prosecute in all proceedings. Ibid., s. 76

85. Any constable in any district, although not the informant or complainant, may appear and act in Court on behalf of the prosecution in all proceedings under this Act.

Act not to interfere with powers of local authorities. Ibid., s. 77

86. (1) Nothing in this Act shall be deemed to repeal or affect any by-laws made by any local authority and now in force not in conflict with the provisions of this Act, or to take from, lessen, or alter any power to make or adopt by-laws not in conflict with the provisions of this Act, or to grant licenses or any other powers or privileges now possessed by any local authority or other authority or body, but the same may be exercised and enjoyed to the same extent as if this Act had not been passed.

(2) This enactment shall be read subject to the provisions of section eighty-four hereof.

Repeals.

87. The enactments mentioned in the Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

Savings. Ibid., s. 1 (2)

(a) All warrants, orders, regulations, by-laws, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(b) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

- 1908, No. 146.—The Police Offences Act, 1908.
1913, No. 52.—The Police Offences Amendment Act, 1913.
1916, No. 13.—The War Legislation Amendment Act, 1916 : Section 33.
1918, No. 10.—The War Legislation and Statute Law Amendment Act, 1918 : Section 28.
1919, No. 19.—The Police Offences Amendment Act, 1919.
1924, No. 29.—The Police Offences Amendment Act, 1924.
1926, No. 12.—The Police Offences Amendment Act, 1926.
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