

New Zealand.



Title.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Unlawful use of motor-cars, &c. Repeal. 3. Modification of provisions of section 44 of principal Act as to payment of medical and hospital expenses by persons arrested in state of drunkenness. | <ol style="list-style-type: none"> 4. Offence to make false allegation to officer of Police that a crime or other offence has been committed. 5. Amending provisions as to forfeiture of firearms unlawfully in possession of young persons. |
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1935, No. 29.

Title.

AN ACT to amend the Police Offences Act, 1927.

[26th October, 1935.]

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

Short Title.

1. This Act may be cited as the Police Offences Amendment Act, 1935, and shall be read together with and deemed part of the Police Offences Act, 1927 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. II, p. 500

Unlawful use of motor-cars, &c.

Ibid., p. 251

2. (1) Every person commits an offence who, unlawfully and without colour of right but not so as to be guilty of theft, as defined in section two hundred and forty of the Crimes Act, 1908, takes or converts to his use or to the use of any other person any of the following things, namely:—

- (a) Any motor-car or other vehicle or carriage of any description; or
- (b) Any launch, yacht, boat, or other vessel; or

- (c) Any aircraft within the meaning of the Air Navigation Act, 1931; or
- (d) Any part of any vehicle, carriage, vessel, or aircraft as aforesaid; or
- (e) Any horse.

See Reprint
of Statutes,
Vol. I, p. 424

(2) Offences against this section shall be triable either summarily or on indictment. No proceedings for an offence against this section shall be commenced save on an information laid by a constable or other officer of Police.

(3) Where in respect of an offence against this section an information is laid in the Form No. 4 in the First Schedule to the Justices of the Peace Act, 1927 (as for a matter determinable summarily), the matter shall be dealt with summarily and not otherwise. Where in respect of an offence against this section an information is laid in the Form No. 31 in the First Schedule to the Justices of the Peace Act, 1927, the matter shall be dealt with on indictment unless it is dealt with summarily in accordance with the provisions of the next succeeding subsection.

Ibid., Vol. II,
p. 469

Ibid., p. 481

(4) Where any person is charged before Justices with an indictable offence under this section the Justices, if they think it expedient so to do, having regard to the nature of the offence and all the circumstances of the case, and if the person charged with the offence, when informed of his right to be tried by a jury, consents to be dealt with summarily, may deal summarily with the offence, and in any such case the provisions of subsection two of section two hundred and thirty-eight of the Justices of the Peace Act, 1927, shall apply as if the offence with which the accused person is charged were an offence mentioned in subsection one of that section.

Ibid., Vol. II,
p. 424

(5) Every person who commits an offence against this section shall be liable as follows:—

- (a) On conviction on indictment, to a fine of two hundred pounds or to imprisonment for two years, or to both such fine and imprisonment:
- (b) On summary conviction of an indictable offence in accordance with the last preceding subsection, to a fine of one hundred pounds or to imprisonment for one year, or to both such fine and imprisonment:

(c) On summary conviction otherwise than in accordance with the last preceding subsection, to a fine of fifty pounds or to imprisonment for three months, or to both such fine and imprisonment.

(6) If on the trial of any person on a charge of theft the jury or the Justices, as the case may be, are of opinion that the accused is not guilty of theft but is guilty of an offence against this section he may be found guilty of such offence and shall be punishable as if he had been convicted under paragraph (a) or under paragraph (c), as the case may require, of the last preceding subsection.

(7) In addition to any penalty imposed for an offence against this section the convicting Court may order the person convicted of such offence to pay to the owner a sum not exceeding the estimated value of the thing taken or converted, 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.

(8) 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.

(9) 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.

(10) This section is in substitution for section thirty-two of the principal Act, and that section is hereby accordingly repealed.

3. Section forty-four of the principal Act is hereby amended as follows:—

(a) By inserting, before the words “be paid by such person” in subsection five, the words “if the Justice before whom he is brought so orders”; and by inserting, before the words “shall be recovered”, the words “in such case”:

(b) By repealing subsection six, and substituting the following subsection:—

“(6) Any order for the payment of expenses and the cost of maintenance made pursuant to

Repeal.

See Reprint
of Statutes,
Vol. II, p. 520

Modification of
provisions of
section 44 of
principal Act as
to payment of
medical and
hospital expenses
by persons
arrested in state
of drunkenness.
Ibid., p. 524

the last preceding subsection shall be made separately from any other order made in respect of the person concerned”:

- (c) By inserting, after the words “cost of maintenance” in subsection seven, the words “pursuant to the terms of an order made under the foregoing provisions of this section”.

4. Every person commits an offence and shall be liable on summary conviction to a fine of twenty pounds or three months imprisonment who, in any written or verbal statement made to an officer of Police, alleges, contrary to the fact and without a genuine belief in the truth of his statement, that a crime or other offence has been committed.

Offence to make false allegation to officer of Police that a crime or other offence has been committed.

5. Section twenty-eight of the principal Act is hereby amended by omitting from subsection four all words after the word “possession”, and substituting the words “may, in the discretion of the Court, be forfeited to the Crown or be otherwise disposed of in such manner as the Court directs”.

Amending provisions as to forfeiture of firearms unlawfully in possession of young persons.

See Reprint of Statutes, Vol. II, p. 517