



ANALYSIS

- | | |
|--|--|
| <p>Title</p> <p>1. Short Title</p> <p>2. Disorderly conduct on private premises by certain persons</p> | <p>3. Offence to print or publish documents relating to manufacture of explosive or incendiary devices</p> <p>4. Offensive weapons</p> |
|--|--|

1976, No. 157

An Act to amend the Police Offences Act 1927

[14 December 1976]

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

1. Short Title—This Act may be cited as the Police Offences Amendment Act 1976, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).

2. Disorderly conduct on private premises by certain persons—The principal Act is hereby amended by inserting, after section 34, the following heading and section:

“Disorderly Conduct on Private Premises

“34A. Where 3 or more persons, who have within the previous 2 years been convicted of offences for which they were liable to any term of imprisonment, being offences of, or of which an ingredient is, assault, threatening, offensive, or disorderly behaviour, possession of offensive weapons, or offences against section 86 or section 87 of the Crimes Act 1961 or section 34 of the Police Offences Act 1927, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear

on reasonable grounds that those 3 or more persons will commit or will cause other persons to commit further such offences in the neighbourhood of those premises or elsewhere, those 3 or more persons commit an offence and are each liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500.”

3. Offence to print or publish documents relating to manufacture of explosive or incendiary devices—The principal Act is hereby amended by inserting, after section 34A (as inserted by section 2 of this Act), the following heading and section:

“Publications Relating to Manufacture of Explosive or Incendiary Devices

“34B. (1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 who, for the purposes of sale or distribution to the public, prints or publishes any document (not being a document of a technical, scientific, literary, or artistic character) that describes or depicts the method of manufacture of any explosive device or incendiary device, or any unlawful weapon within the meaning of the Arms Act 1958.

“(2) It shall be a defence to a charge under this section if the defendant proves that it was reasonable in all the circumstances to print or publish the description or depiction referred to in subsection (1) of this section.

“(3) For the purposes of this section, the expression ‘document’ means any book, newspaper, periodical, picture, photograph, photographic negative, photographic plate, photographic slide or film, and any print or writing, and any paper or other thing which has printed or impressed upon it or otherwise shown thereon any word, statement, sign, picture, or representation.”

4. Offensive weapons—(1) The principal Act is hereby amended by repealing section 53A (as inserted by section 3 of the Police Offences Amendment Act 1956 and amended by section 2 (1) of the Police Offences Amendment Act 1967 and by section 411 (1) of the Crimes Act 1961), and substituting the following section:

“53A. (1) Every person commits an offence and is liable on conviction on indictment to a fine not exceeding \$400 or to imprisonment for a term not exceeding 1 year, or to both—

“(a) Who, without lawful authority or reasonable excuse, the proof of which shall be on him, has with him in any public place any offensive weapon; or

“(b) Who has in his possession elsewhere than in a public place any offensive weapon in circumstances that prima facie show an intention to use it to commit an offence involving bodily injury or the threat or fear of violence.

“(2) It shall be a defence to a charge under subsection (1) (b) of this section if the defendant proves that he did not intend to use the offensive weapon to commit an offence involving bodily injury or the threat or fear of violence.

“(3) Where any person is convicted of an offence against this section the Court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

“(4) Any constable who has reasonable cause to believe that any person is committing an offence against this section may arrest that person without warrant.

“(5) Where any constable has reasonable ground for believing that any person is committing an offence against subsection (1) (a) of this section he may stop and search that person and may take possession of any offensive weapon found.

“(6) Every constable exercising the power conferred by subsection (5) of this section shall identify himself to every person searched, and shall also tell him that the search is being made pursuant to that subsection. He shall also, if not in uniform and if so required, produce evidence that he is a member of the Police.

“(7) Nothing in section 60 of this Act shall be construed to authorise the arrest without warrant of any person under that section in respect of any offence against this section.

“(8) For the purposes of subsection (1) (a) of this section the expression ‘offensive weapon’ means any article made or altered for use for causing bodily injury or intended by the person having it with him for such use.

“(9) Nothing in subsection (8) of this section shall apply to any tool of trade in the possession of any person in the course of his employment or while he is going to or returning from his work.

“(10) For the purposes of subsection (1) (b) of this section the expression ‘offensive weapon’ means any article capable of being used for causing bodily injury.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Police Offences Amendment Act 1956:
- (b) So much of the First Schedule to the Police Offences Amendment Act 1967 as relates to section 53A of the principal Act:
- (c) So much of the Third Schedule to the Crimes Act 1961 as relates to the principal Act.

This Act is administered in the Department of Justice.
