



ANALYSIS

Title
1. Short Title

2. Entry on premises for purpose of exercising powers in relation to breath-alcohol offences

1989, No. 158

An Act to amend the Transport Act 1962

[20 December 1989]

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

1. Short Title—This Act may be cited as the Transport Amendment Act (No. 2) 1989, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

2. Entry on premises for purpose of exercising powers in relation to breath-alcohol offences—The principal Act is hereby amended by inserting, after section 66, the following section:

“66A. (1) Where a constable or a traffic officer who is an officer of the Department has good cause to suspect—

“(a) That a person has committed an offence against section 66 (4) of this Act, other than an offence of failing to stop in the circumstances specified in section 66 (1) (a) of this Act; and

“(b) That the person has also committed or is committing an offence against section 57 of this Act (which relates to reckless or dangerous driving), or is, or has recently been, driving under the influence of alcoholic drink,—

and the constable or traffic officer is freshly pursuing that person, the constable or traffic officer may, without warrant, in the course of the pursuit enter on any premises on which the

person has entered, by force if necessary, for either or both of the following purposes:

“(c) Determining whether or not any power conferred on a constable or traffic officer by section 58A or section 58B of this Act should be exercised in respect of that person:

“(d) Exercising or completing the exercise of any such power in respect of that person.

“(2) It is the duty of every constable and every traffic officer exercising any power conferred by subsection (1) of this section—

“(a) To identify himself or herself to the pursued person and to the occupant (if any) of the premises entered; and

“(b) To tell the pursued person and the occupant (if any) of the premises entered that the power of entry is being exercised under this section of this Act; and

“(c) If the constable or traffic officer is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that he or she is a constable or traffic officer.

“(3) A constable or traffic officer who enters on any premises pursuant to this section shall not exercise on those premises any power of arrest conferred by this Act other than a power of arrest conferred by section 58A (4), paragraph (a) or paragraph (b) of section 58B (5), or section 62A of this Act.

“(4) Where any constable or traffic officer exercises any power conferred by subsection (1) of this section, the constable or traffic officer shall, within 5 days after the day on which the power is exercised, furnish to—

“(a) The Commissioner of Police, in the case of a constable; and

“(b) The Secretary, in the case of a traffic officer,—
a written report on the exercise of the power and the circumstances in which it came to be exercised.”