

Right Hon. Mr. Fraser

POLICE FORCE

ANALYSIS

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A BILL INTITULED

Title.	AN ACT to consolidate and amend the Law relating to the Establishment and Regulation of the Police Force.
	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 Force Act, 1947.
Interpretation.	2. In this Act, unless the context otherwise requires,—
	“Commissioned officer” means any officer of the Force appointed by the Governor-General:
	“Commissioner” means the Commissioner of Police appointed under this Act: 15
	“The Force” means the Police Force of New Zealand, and includes all members of either sex appointed to the Force under this Act:
	“Minister” means the Minister for the time being in charge of the Police Department: 20
	“Sergeant” means a member of the Force below the rank of Sub-Inspector and above the rank of constable.

Appointments and Powers

3. The Governor-General may from time to time appoint a fit and proper person to be the Commissioner of Police, who shall have the general control of the Force.
4. In case of the illness or absence from New Zealand of the Commissioner, or for any other cause, the Governor-General may appoint the officer next in rank in the Force to the Commissioner, or any other person whom he thinks fit, to perform all or any of the duties imposed upon the Commissioner by this or any other Act.
5. The Governor-General may appoint such number of Superintendents, Inspectors, Sub-Inspectors, and other officers of the Force as he deems necessary.
6. Superintendents, and Inspectors to whom districts are assigned by the Minister, shall, subject to the control and authority of the Commissioner, be respectively charged with the government, direction, and superintendence of such members of the Force as are stationed within their districts; and Inspectors to whom districts are not so assigned and all Sub-Inspectors and other officers shall have such limited authority in relation to the Force as the Minister directs.
7. The Commissioner may from time to time, with the approval of the Minister, appoint as many sergeants and constables of different grades as he deems necessary for the preservation of peace and order, the prevention of crime, and the apprehension of offenders against the peace.
8. (1) The Commissioner may from time to time, with the approval of the Minister, appoint as temporary members of the Force such sergeants and constables as he may deem necessary to assist in the preservation of peace and order, the prevention of crime, and the apprehension of offenders.
- (2) All persons so appointed shall hold office at the will of the Commissioner.

Appointment of
Commissioner
of Police.

Governor-
General may
appoint person
to act in case
of absence or
illness of
Commissioner.

Appointment of
Superintend-
ents, &c.

Powers of
Superintend-
ents, &c.

Appointment of
sergeants and
constables.

Appointment of
temporary
members of
Force.

(3) Subject to such exceptions and modifications as may be prescribed by regulations made under this Act, the provisions of this Act and of all regulations in force thereunder with respect to permanent members of the Force shall extend and apply to temporary members of the Force. 5

Members of Force to take oath for faithful discharge of duty.

9. (1) No person shall be capable of holding office as a member of the Force, or of acting in any way therein, until he has taken and subscribed the following oath before a Justice or such other person as the Governor-General may appoint to administer the same:— 10

“ I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the Police Force, without favour or affection, malice or ill will, until I am legally discharged; that I will see and cause His Majesty’s peace to be kept and preserved; that I will prevent to the best of my power all offences against the same; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.” 15 20

(2) Every person who has taken and subscribed the oath as aforesaid shall be taken to have, from the day on which the same was taken and subscribed, thereby entered into a written agreement with, and shall be thereby bound to serve, His Majesty as a member of the Force in whatsoever capacity he may, in accordance with the provisions of this Act, be required to serve, and at the current rate of pay of any rank to which he may be appointed or reduced, until legally discharged; and that agreement shall not be set aside, cancelled, or annulled for want of reciprocity; but every such agreement shall be determined by the discharge, dismissal, or other removal from office of any 25 30 35

such person, or by the acceptance by the Governor-General of the resignation of the Commissioner or of any other officer, or by the acceptance by the Commissioner of the resignation of any sergeant or constable.

10. If any question arises as to the right of any member of the Force to hold or execute his office, common reputation shall be deemed evidence of that right, and it shall not be necessary to have or produce any written appointment or other document or matter whatsoever in proof of that right.

Evidence of right to hold office.

11. (1) No member of the Force may resign his office unless he has been expressly authorized in writing so to do by the Commissioner, or has given to the Commissioner one month's notice in writing of his intention so to resign.

Resignation of members.

(2) Where in the opinion of the Governor-General special circumstances require that no member of the Force shall resign without permission he may, by warrant under his hand, declare that no member shall resign from the Force except on the conditions set out in the warrant.

(3) Any member of the Force who resigns his office otherwise than in accordance with the provisions of this section, or otherwise than in accordance with the provisions of a warrant for the time being in force under this section, or who deserts from the Force, is liable to a fine not exceeding *twenty* pounds, and to forfeit all arrears of pay then due to him.

(4) The Police Force Emergency Regulations 1942 are hereby revoked.

Serial number 1942/166

12. Every member of the Force shall retire from the service on attaining the age of sixty-five years:

Age of retirement.

Provided that where in the opinion of the Governor-General the special circumstances of any case require that any member should remain in the Force after attaining the age aforesaid he may, by warrant under his hand, permit that member to remain in the Force for an additional period not exceeding six months.

13. When a member of the Force is removed from or resigns or otherwise ceases to hold and exercise his office, all powers and authorities vested in him as a member of the Force shall immediately cease.

On termination of office, powers of member of Force to cease.

Regulation and Discipline of Force

Regulations as
to government
of Force.

14. The Governor-General may from time to time, by Order in Council, make such regulations as he thinks fit for the government, maintenance, discipline, and control of the Force and with respect to all matters necessary for rendering the members of the Force efficient for the discharge of their duties, and may prescribe fines and other penalties for the breach of any such regulations. 5

General
instructions for
guidance of
members of
Force.

15. The Commissioner may from time to time issue general instructions, not inconsistent with the provisions of this Act or regulations made thereunder, for the guidance of members of the Force. Any such general instructions when issued shall remain in force until cancelled by the Commissioner, and all members of the Force shall obey and be guided by those instructions. 10 15

Discharge of
officers.

16. The Governor-General may at any time discharge or dismiss the Commissioner, or any Superintendent, Inspector, or Sub-Inspector, who has been guilty of conduct rendering it unfitting that he should remain in the Force, or who is for any reason unfit to remain in the Force. 20

Dismissal of
sergeants and
constables.

17. The Commissioner may at any time dismiss from the Force any constable who has been guilty of any act of misconduct or insubordination, or negligence in the execution of his duty, or who, in the opinion of the Commissioner, is otherwise unfit to remain in the Force; and he may, with the approval of the Minister, dismiss any sergeant who has been guilty of conduct rendering it unfitting that he should remain in the Force, or who is, for any reason, unfit to remain in the Force. 25 30

Appeal against
dismissal.

18. (1) Any member dismissed from the Force may within seven days of receiving notification of his dismissal appeal against his dismissal to a Board of Appeal constituted in accordance with section *twenty-four* of this Act, and the provisions of section *twenty-three* of this Act shall apply to every such appeal. 35

(2) Pending the hearing of the appeal and the making of an order by the Minister under the provisions of the said section *twenty-three*, the dismissal of the member of the Force shall remain in abeyance and he shall be suspended from duty without pay. If after receiving the report of the Board of Appeal an order is made by the Minister recommending to the Governor-General the revocation of the dismissal or revoking the dismissal of the member, as the case may be, he may receive such pay in respect of the period of suspension as the Minister may direct.

19. (1) Any member of the Force who is certified by two medical practitioners nominated by the Commissioner to be permanently medically unfit to perform any specified duties in the Force that the Commissioner considers suitable for him may, with the approval of the Minister, be required by the Commissioner by notice in writing to retire from the Force within such time, being not less than *one* month, as may be specified in the notice.

Member of Force may be required to retire if medically unfit.

(2) Any member required by a notice under this section to retire from the Force shall, on the expiration of the time specified in that behalf in the notice, cease to be a member of the Force:

Provided that he may within seven days of receiving the notice appeal against the requirement and the provisions of the *last preceding* section shall, with the necessary modifications, apply to every such appeal.

20. The Commissioner may suspend any member of the Force against whom a charge of misconduct or insubordination has been made, and any Superintendent or Inspector may suspend any constable similarly charged till such time as the charge has been inquired into and finally dealt with, but in no case shall suspension without pay continue for more than twenty days.

Suspension of members of Force.

21. (1) Where a Superintendent, Inspector, or Sub-Inspector is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply:—

Inquiries as to breaches of duty by members of Force.

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

- (b) If the persons so appointed report to the Minister that the charge has been proved, the Minister may—
- (i) Recommend to the Governor-General the dismissal of the offender; or 5
 - (ii) Reduce the offender in rank or in seniority and pay; or
 - (iii) Impose a fine not exceeding *twenty* pounds; or
 - (iv) Inflict such other punishment, not more severe than the foregoing, as he deems fit. 10
- (2) Where a sergeant is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply:— 15
- (a) The Commissioner shall, by writing under his hand, direct any Superintendent or Inspector to inquire as to the truth of the charge and to report his finding to the Commissioner:
 - (b) If the Superintendent or Inspector reports to the Commissioner that the charge has been proved, the Commissioner may— 20
 - (i) Recommend to the Minister the dismissal of the offender, or his reduction in rank, or his reduction in seniority and pay; 25
 - or
 - (ii) Impose a fine not exceeding *five* pounds:
 - (c) On any recommendation under the *last preceding* paragraph the Minister may dismiss the offender from the Force, or reduce his rank or his seniority and pay, or instruct the Commissioner to fine the offender an amount not exceeding *five* pounds, in which case the Commissioner shall impose the fine accordingly. In the exercise of the powers conferred by this paragraph the Minister shall not be bound by the terms of the Commissioner's recommendation, save that he shall not in any case inflict a penalty more severe than that recommended by the Commissioner. 30 35 40
- (3) Where a constable is charged with misconduct or neglect of duty, and he denies the charge, the following provisions shall apply:—
- (a) Any Superintendent or Inspector may inquire as to the truth of the charge: 45

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

- 5 (i) Recommend to the Commissioner the dismissal of the offender or his reduction in seniority and pay; or
 (ii) Impose a fine not exceeding *three* pounds.

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

20 (4) Where any member of the Force is charged with misconduct or neglect of duty and he admits the charge, he shall be dealt with in the same manner as if he had denied the charge and the charge had been proved in accordance with the foregoing provisions of this section.
 25 If he is dissatisfied with the penalty imposed, he may appeal therefrom in accordance with the provisions of section *twenty-three* of this Act.

30 **22.** (1) Any person holding an inquiry under the *last preceding* section may, on the application of the person charged or otherwise, issue summonses for the attendance of witnesses, and may examine on oath any person respecting the subject-matter of the charge, and may administer oaths to any such person.

Special provisions as to inquiries.

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

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

See Reprint of Statutes, Vol. II, p. 182

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

Appeals.

23. (1) Every member of the Force into whose conduct any inquiry under section *twenty-one* hereof has been held and who is dissatisfied with the result of the inquiry or the penalty imposed may appeal therefrom to a Board of Appeal constituted in manner hereinafter appearing.

(2) Every appeal shall be commenced by a notice of appeal in writing in the prescribed form addressed to the Commissioner, and transmitted to him by the appellant within seven days after the date on which the result of the inquiry is communicated to the appellant.

(3) The Board of Appeal shall forthwith consider the appeal and the grounds thereof, and shall have power to summon witnesses and to hear any evidence on oath which it may deem necessary for the proper determination of the appeal.

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

(5) The Board of Appeal shall after full inquiry report thereon to the Minister, making such recommendations as it thinks fit, whether as to the allowing or dismissal of the appeal, the imposition of a penalty on the appellant, the granting or refusal of pay during his suspension, or otherwise, and the Minister may thereupon make such order in the matter as he thinks fit.

(6) If in the opinion of the Board any appeal is frivolous or vexatious, the Board may order the appellant to pay the costs of the appeal, and the sum so ordered to be paid may be deducted from any pay due or accruing due to the appellant.

Constitution of
Board of
Appeal.

24. (1) Every Board of Appeal constituted to hear appeals under the *last preceding* section shall consist of:—

(a) A Magistrate, who shall be the Chairman of the Board:

(b) A commissioned officer of the Force, being equal or senior in rank to the appellant; and

(c) One of the nominated members elected by members of the Force in accordance with the *next succeeding* section.

5 (2) All members of the Board shall be appointed as such by the Minister. The members, other than the nominated members, shall be appointed for the purposes of each particular appeal.

10 (3) The nominated members shall be appointed for the purposes of every appeal to be heard during their respective terms of office. The nominated members shall by mutual agreement determine which of them shall sit on any appeal, and in default of agreement the Minister shall determine which of them shall sit on any particular appeal.

15 (4) Notwithstanding anything in the foregoing provisions of this section, no member of the Force shall, except with the consent of the appellant, act as a member of the Board of Appeal in any case in which in the course of his duties he has conducted any inquiry
20 or investigation or has made any report upon the subject-matter of the appeal.

25 **25.** (1) For the purposes of the appointment of nominated members of the Board of Appeal in accordance with the *last preceding* section, elections shall be held from time to time as occasion may require in accordance with regulations made for the purpose under this Act.

Election of nominated members of Board of Appeal.

(2) Except for the purpose of filling a casual vacancy, two nominated members shall be elected at
30 every such election.

(3) At every election of a nominated member every member of the Force shall be entitled to vote, and any member who is not a commissioned officer of the Force may be elected as a nominated member.

35 (4) On the completion of the election of nominated members the Minister shall appoint the persons elected to be members of the Board of Appeal. Notice of every such appointment and of the term of the appointment shall be published in the prescribed
40 manner.

(5) Except in the case of a casual vacancy, the nominated members of the Board shall be appointed for a term of three years. In the event of a casual vacancy, a fresh election shall be held and the elected
45 member shall be appointed for the residue of the term of office of his predecessor.

(6) A casual vacancy shall be created in any case where a nominated member of the Board of Appeal dies, or by notice in writing addressed to the Commissioner resigns his office, or is appointed to be a commissioned officer of the Force, or ceases to be a member of the Force, or is removed from office as a member of the Board by the Minister for misconduct or on the ground that, without lawful justification or excuse, he has failed to act as a member of the Board when required so to do.

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Offences

Members may be dismissed from the Force for certain offences.

26. If any member of the Force is convicted of any crime punishable by imprisonment he may be dismissed from the Force.

On resignation or dismissal from Force, members to return all Government property in their possession.

27. If any person who having been a member of the Force has resigned, or who has been discharged or dismissed, or has otherwise ceased to hold and execute his office, does not forthwith deliver over everything whatsoever which may have been supplied to him for the execution of his office, or which may be in his custody by virtue thereof, to such person as the Commissioner may appoint in that behalf, he shall on summary conviction be liable to imprisonment for a term not exceeding *three* months; and any Justice may issue his warrant to any constable to search for and seize to the use of His Majesty all arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things whatsoever which are not so delivered over.

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Having possession of property of the Force.

28. Every person who, not being a member of the Force, has in his possession any arms or ammunition, or any article of clothing, accoutrements, or appointments supplied to a member of the Force, and is not able to account satisfactorily for his possession thereof is liable, on summary conviction, in addition to any other penalty to which he may be liable, to a fine not exceeding *twenty* pounds.

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Personation of member of Force.

29. (1) Every person who, not being a member of the Force, by words, conduct, or demeanour pretends that he is a member, or puts on or assumes the dress, name, designation, or description of a member of the Force, is liable, on summary conviction, in addition to

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any other penalty to which he may be liable, to imprisonment for a term not exceeding *three* months or to a fine not exceeding *fifty* pounds.

(2) Any constable may arrest without warrant any person whom he finds committing or has good cause to suspect of having committed an offence against this section.

30. Every person who, not being a member of the Force,—

Bribing, &c.,
members of
the Force.

(a) Gives or offers or promises to give to any member of the Force any bribe, pecuniary or otherwise, or makes any agreement with any member of the Force to induce him in any way to forego his duty; or

(b) Requests or incites or induces any member of the Force, or the members of the Force generally, or any section thereof, to act in any manner contrary to duty; or

(c) Connives at any act whereby any regulation of the Governor-General in Council in relation to the Force may be evaded,—

is liable on summary conviction to imprisonment for a term not exceeding *three* months or to a fine not exceeding *fifty* pounds.

31. Every person having been dismissed from any Police Force who, by concealing the fact of that dismissal, and any person who, by any false or forged certificates or any false representations, obtains admission into the Force, or who by any such means receives any pay, gratuity, or pension, is liable on summary conviction to imprisonment for a term not exceeding *three* months.

Penalty for
gaining
admission to
Force by false
representations.

32. (1) No member of the Force shall during the time he continues in the Force take any part in any election of a member of the General Assembly otherwise than by voting, or in any manner influence or seek to influence any other elector at any such election.

Members of
Force not to
engage in
politics
otherwise than
by voting.

(2) Every member of the Force who commits an offence against this section is liable on summary conviction to a fine not exceeding *twenty-five* pounds:

Provided that nothing herein shall subject any member of the Force to any penalty for any act done by him in the discharge of his duty at or concerning any election.

Member of Force may call for assistance to secure prisoner, &c.

33. Any member of the Force when in the lawful execution of his duty may call upon any male bystander or passer-by, not being under the age of eighteen years, to aid or assist him to secure or convey any prisoner in his charge to a police-station or other place when reasonable necessity exists for calling for that assistance; and every such person who fails to aid or assist any member of the Force when so called upon is liable on summary conviction to a fine not exceeding *ten* pounds. 5 10

Persons holding communications with prisoners without authority may be arrested without warrant.

34. (1) Every person who holds or attempts to hold any communication with any prisoner in the custody or charge of any member of the Force, or delivers or in any manner attempts to deliver or causes to be delivered to any such prisoner any article or thing whatsoever without the permission of that member of the Force or some responsible officer of the Force in charge of that member of the Force, is guilty of an offence, and may be arrested without warrant by any constable or other member of the Force, and shall be detained by the constable or any other member of the Force and kept in safe custody until he can be brought before a Magistrate or before two or more Justices, who shall have power to hear and determine the offence. 15 20

(2) Every person who commits an offence against this section is liable on summary conviction to a fine not exceeding *twenty* pounds. 25

Miscellaneous Provisions

Minister may appoint Committees of Inquiry.

35. (1) The Minister may from time to time appoint a Committee of Inquiry, consisting of a Magistrate and one or more commissioned officers of the Force, for the purpose of investigating and reporting to the Commissioner on the claim of any member or members of the Force with respect to their promotion, pay, or conditions of service, or on any matter connected with the Force. 30 35

(2) Any member of the Committee may issue summonses for the attendance of witnesses, and may examine on oath any person respecting the matter of the investigation, and may administer oaths to any such person. 40

(3) Every person so summoned who does not attend at the time and place named in the summons, or

who refuses to be sworn, or, being sworn, refuses to give evidence or answer any question lawfully put to him, is liable to a fine not exceeding *five* pounds, and any such fine may be imposed by the Committee.

5 **36.** (1) Every sergeant and constable shall obey and execute all the lawful summonses, warrants, executions, orders, and commands of any Magistrate or Justice issued through the Clerk of a Magistrate's Court.

Sergeants and constables to execute warrants, &c., of Magistrates or Justices.

10 (2) Any member of the Force who neglects or refuses to obey or execute any process lawfully directed to be executed by him shall be liable on summary conviction to a fine not exceeding *twenty-five* pounds, and, in addition, may be dismissed from the
15 Force.

20 **37.** (1) Any process, warrant, or order of any Court or any Justice directed, delivered, or given to any sergeant or constable may be executed and enforced by any other member of the Force or his assistants; and every such last-mentioned member of the Force and his assistants shall have the same rights, powers, and authorities for and in the execution of any such process, warrant, or order as if the same had been originally directed to him or them expressly by name.

Execution of warrants by members of Force other than members to whom directed.

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

35 **38.** (1) Where an action is brought against any member of the Force for any act done in obedience to the warrant or order of a Magistrate or Justice, that member shall not be responsible for any irregularity in the issuing of the warrant or order, or for want of jurisdiction in the Magistrate or Justice issuing the same.

Protection of police officers for acts done in obedience to warrant or order of Magistrate or Justice.

40 (2) On the production of any such warrant or order, and on proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that that person is reputed to be and acts as a Magistrate or Justice possessing
45 jurisdiction in the case, and that the acts complained

of were done in obedience to the warrant or order, the tribunal trying the said issue shall find a verdict for that member, and the member shall recover his costs of suit.

Actions in respect of things done pursuant to this Act to be commenced within four months.

39. (1) For the protection of persons acting in the execution of this Act, all actions against any person for anything done in pursuance of this Act shall be commenced within four months after the act has been committed, and not otherwise; and notice in writing of every such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action. 5 10

(2) The plaintiff in any such action shall not recover if tender of sufficient amends is made before the action is brought, or if a sufficient sum of money is paid into Court by or on behalf of the defendant after the action is brought, together with the costs incurred up to that time. 15

(3) If a verdict is given for the defendant, or the plaintiff is nonsuited or discontinues the action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client; and, though a verdict is given for the plaintiff in any such action, he shall not have costs against the defendant unless the Judge or Magistrate before whom the trial is held certifies his approval of the action and of the verdict obtained thereon. 20 25

Particulars for identification of person in custody may be taken at police-station.

40. (1) Where any person is in lawful custody at a police-station on a charge of having committed an offence punishable on indictment or summary conviction the member of the Force in charge of the police-station where he is so in custody may take or cause to be taken all such particulars as may be deemed necessary for the identification of that person, including his photograph and fingerprints, and may use or cause to be used such reasonable force as may be necessary to secure those particulars. 30 35

(2) If the person in respect of whom particulars have been taken under this section is acquitted, the particulars shall be forthwith destroyed. 40

On application, Magistrate to determine title to property taken possession of by any member of the Force otherwise than pursuant to warrant.

41. (1) Where a member of the Force has taken possession of any property of any kind other than property distrained under the warrant of a Justice, and it is doubtful whether the person claiming the 45

property, or which of any two or more persons so claiming, is entitled to the possession thereof, a Magistrate, on the application of any member of the Force, or of a claimant to the property, and in the presence of
 5 all the parties claiming the property, or in the absence of any such parties who, having had reasonable notice of the hearing of the application, do not appear, may receive evidence on oath touching the matter of the application, and make an order for the delivery of the
 10 property to any person appearing to the Magistrate to be the owner thereof, or entitled to the possession thereof, or, if the owner or person entitled to possession cannot be ascertained, may make such order with respect to possession of the property as he thinks
 15 fit.

(2) If after the making of any such order an action is commenced against any member of the Force for the recovery of the property or the value thereof, the order and the delivery of the property in pursuance thereof may be given and shall be received in
 20 evidence in bar of the action:

Provided that no such order or delivery shall affect the right of any persons entitled by law to possession of the property to recover the same.

25 **42.** (1) Any goods and chattels which have lawfully come into the possession of any member of the Force shall be held for not less than three months, and if then unclaimed shall, by the direction of the Commissioner, be sold and disposed of by public
 30 auction, a notice of the sale having been previously published three times in the *Gazette* and in the *New Zealand Police Gazette*, and in some newspaper circulating in the neighbourhood:

Provided that perishable goods may be sold at any
 35 time and in such manner as the Commissioner may direct.

(2) The proceeds of every such sale, after deducting the costs thereof, shall be paid to and form part of the Public Service Superannuation Fund.

40 (3) The Commissioner may, if he thinks fit, appoint any person, not being the holder of a licence under the Auctioneers Act, 1928, to conduct any sale by auction under this section.

Unclaimed goods lawfully in possession of Police Force to be sold by auction, and proceeds paid into Public Service Superannuation Fund.

See Reprint of Statutes, Vol. I, p. 405

Temporary
exchange of
members of
Force with
members of
Forces of
Australian
States.

43. (1) The Commissioner may from time to time enter into an agreement with the proper authority of any State of the Commonwealth of Australia for the temporary exchange of members of the respective Police Forces of New Zealand and that State. 5

(2) Every member of the New Zealand Police Force who pursuant to any such agreement is attached to the Police Force of any Australian State shall continue to be a member of the New Zealand Police Force, and shall be paid as if he were on duty in 10 New Zealand, and may at any time be recalled by the Commissioner, but until so recalled shall be under the control of and perform such duties as he may be called upon to perform by the proper police authority 15 in that State, and shall obey all lawful orders of the officers under whom he may for the time being be placed.

(3) The Commissioner may, in pursuance of any such agreement, appoint to be a temporary sergeant or temporary constable of the New Zealand Police 20 Force any member of the Police Force of the Australian State to which the agreement relates, and every such person on taking the oath prescribed by section *nine* of this Act shall become a temporary member of the New Zealand Police Force. 25

(4) The temporary appointment of any person as a member of the New Zealand Police Force pursuant to the *last preceding* subsection shall not entitle that person to any pay or allowance from the Government of New Zealand, or make him a permanent officer of 30 the Public Service for the purposes of the Public Service Superannuation Act, 1927.

See Reprint
of Statutes,
Vol. VII, p. 559

*New Zealand
Police Gazette*
a confidential
State document.

44. (1) The official publication printed by the Government Printer under the name of the *New Zealand Police Gazette* is hereby declared to be a 35 confidential State document, and every person who has in his possession any copy of any issue of that document without being authorized in that behalf by the Commissioner (the proof whereof shall be on the person charged) commits an offence and is liable to 40 a fine not exceeding *twenty* pounds.

(2) The *New Zealand Police Gazette* shall not, without the permission in writing of the Commissioner, be produced, nor shall any evidence of its contents be given, in any proceedings in any Court, and no civil or criminal proceedings shall be taken in respect of any statement contained in that publication.

45. All proceedings under this Act shall be had and taken in a summary way; and no complaint, conviction, order, inquiry, recommendation, appeal, determination, decision, or other act or proceeding under this Act shall be quashed or set aside or be deemed void or insufficient for want of form only, or be removed or removable by certiorari or other writ or process whatsoever into the Supreme Court.

Proceedings under Act to be taken summarily, and not to be quashed for want of form only.

46. (1) Except as hereinbefore specially provided, all fines payable under this Act shall be recovered as provided by the Justices of the Peace Act, 1927.

Recovery of fines.

(2) All fines so recovered from members of the Force shall be paid into the Public Service Superannuation Fund, and all fines recovered from other persons shall be paid into the Public Account and form part of the Consolidated Fund.

See Reprint of Statutes, Vol. II, p. 351

47. (1) The enactments specified in the Schedule hereto are hereby repealed.

Repeals and savings.

(2) All Orders in Council, orders, warrants, appointments, enrolments, registers, regulations, records, instruments, 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:

Provided that in the case of current appointments, engagements, or enrolments for specified terms each such term shall be computed from the date of its original commencement.

(3) All matters and proceedings commenced under the enactments hereby repealed 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**

- 1913, No. 61.—The Police Force Act, 1913. (Reprint of Statutes, Vol. VI, p. 832.)
- 1919, No. 48.—The Police Force Amendment Act, 1919. (Reprint of Statutes, Vol. VI, p. 842.)
- 1924, No. 18.—The Police Force Amendment Act, 1924. (Reprint of Statutes, Vol. VI, p. 843.)
- 1938, No. 20.—The Statutes Amendment Act, 1938, section 45.
- 1941, No. 26.—The Statutes Amendment Act, 1941, sections 64, 65, and 66.
- 1944, No. 25.—The Statutes Amendment Act, 1944, section 49.