

## POLICE OFFENCES AMENDMENT (NO. 2) BILL

### EXPLANATORY NOTE

THIS Bill amends the Police Offences Act 1927.

*Clause 2* increases the maximum penalty for the offence of behaving in a riotous, offensive, threatening, insulting, or disorderly manner, or using any threatening, abusive, or insulting words, in or in view of any public place or within the hearing of any person in any public place. The existing penalty is a fine not exceeding £10, but this clause provides for imprisonment for a term not exceeding three months or a fine not exceeding £100. The clause also authorises the arrest without warrant of persons committing such an offence.

This clause, except the power of arrest, is the same as *clause 82* of the Statutes Amendment Bill, and it is intended to omit that clause from that Bill.

*Clause 3* contains provisions relating to the drinking of intoxicating liquor in public conveyances and in public places. The provisions of *subsection (1)* of the proposed new *section 3E* at present appear in section 42 of the Transport Act 1949 and section 112 of the Licensing Amendment Act 1948, and, for convenience and in order to bring together the several provisions relating to the matter, are included with the provisions of *subsection (2)*, which are new.

*Subsection (2)* makes it an offence for any person under 21 years of age to drink intoxicating liquor in a public place as defined in section 40 of the principal Act, or to be in possession or control in any such place of any intoxicating liquor intended for consumption therein. Any constable may seize any liquor which there is reasonable ground to suppose is intended for consumption in breach of these provisions, and if the person from whom it is seized is convicted it will be forfeited to the Crown. This re-enacts and extends to offences under this subsection provisions which at present appear in section 112 of the Licensing Amendment Act 1948.

*Clause 4* provides that where any person is convicted of an offence to which this clause applies committed in a public place (as defined in section 40 of the principal Act), and at the time of the commission of the offence the person convicted was the driver or person in charge of a motor vehicle, the Court may cancel or suspend any motor-driver's licence held by the offender and may order that he be disqualified from obtaining such a licence for a period not exceeding two years.

The clause applies to the following offences under the principal Act or its amendments:

- (a) Offences under section 3A (throwing or leaving bottles or glass in public place):
  - (b) Offences under section 3B (fighting in a public place):
  - (c) Offences under section 3D, as proposed to be inserted by *clause 2* of this Bill (riotous, etc., behaviour in a public place):
  - (d) Offences under section 3E (2), as proposed to be inserted by *clause 3* of this Bill (drinking of intoxicating liquor by persons under 21 in a public place):
  - (e) Offences under section 6 (wilful destruction of property):
  - (f) Offences under section 48 (obscene language in public place):
  - (g) Offences under section 4 of the Police Offences Amendment (No. 2) 1952 (common assault):
  - (h) Offences under section 5 of the Police Offences Amendment Act (No. 2) 1952 (assault on a child or by a male on a female).
-

*Hon. Mr Mason*

**POLICE OFFENCES AMENDMENT (NO. 2)**

**ANALYSIS**

Title	3. Drinking of liquor in public conveyances and in public places
1. Short Title	4. Cancellation of motor-drivers' licences of persons convicted of certain offences
2. Riotous, etc., behaviour in public place	

**A BILL INTITULED**

**An Act to amend the Police Offences Act 1927**

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 (No. 2) 1960, and shall be read together with and deemed part of the Police Offences Act 1927\* (hereinafter referred to as the principal Act).

10 2. **Riotous, etc., behaviour in public place**—(1) The principal Act is hereby amended by inserting, after section 3c (as inserted by subsection (1) of section 3 of the Police Offences Amendment Act 1960), the following section:

\*1957 Reprint, Vol. 12, p. 1  
Amendments: 1958, No. 87; 1960, No. 7

“3D. (1) Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, who in or within view of any public place as defined by section 40 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. 5

“(2) Any constable, and all persons whom he calls to his assistance, may arrest and take into custody without a warrant any person whom he finds committing or whom he has good cause to suspect of having committed an offence against this section.” 10

(2) The following enactments are hereby repealed:

(a) Paragraph (ee) of section 3 of the principal Act:

(b) Subsection (2) of section 2 of the Police Offences Amendment Act 1960. 15

**3. Drinking of liquor in public conveyances and in public places—**(1) The principal Act is hereby further amended by inserting, after section 3D (as inserted by section 2 of this Act), the following section: 20

“3E. (1) Every person commits an offence, and is liable to a fine not exceeding twenty pounds, who in any railway train, railcar, tramcar, omnibus, service car, taxicab, or other vehicle for the time being used for the carriage for hire or reward of members of the public, or any ferry vessel for the time being so used on any harbour, lake, or river (not being a vessel in respect of which a packet licence under the Licensing Act 1908 is in force),— 25

“(a) Drinks any intoxicating liquor; or

“(b) Supplies or offers any intoxicating liquor to any person for consumption therein; or 30

“(c) Has possession or control of any intoxicating liquor intended for consumption therein.

“(2) Without limiting the provisions of subsection (1) of this section, every person under the age of twenty-one years commits an offence and is liable to a fine not exceeding twenty pounds who, in any public place,— 35

“(a) Drinks any intoxicating liquor; or

“(b) Has possession or control of any intoxicating liquor intended for consumption therein: 40

“Provided that nothing in this subsection shall apply in any case where the person drinking or in possession or control of the liquor is accompanied by his or her spouse or by a parent or guardian or other person acting in the place of a parent of that person. 45

“(3) Any constable may seize and remove any intoxicating liquor which there is reasonable ground to suppose is intended for consumption in contravention of subsection (1) or subsection (2) of this section, and the vessels containing the  
5 liquor.

“(4) Any liquor so seized in respect of which any person is convicted of an offence under this section, together with the vessels containing the liquor, shall be forfeited to the Crown.

10 “(5) For the purposes of this section,—

“‘Intoxicating liquor’ has the same meaning as in section 4 of the Licensing Act 1908:

“‘Public place’ has the same meaning as in section 40 of this Act.”

15 (2) The following enactments are hereby repealed:

(a) Section 112 of the Licensing Amendment Act 1948:

(b) Section 43 of the Transport Act 1949.

**4. Cancellation of motor-drivers’ licences of persons convicted of certain offences**—The principal Act is hereby  
20 further amended by inserting, after section 79, the following section:

“79A. (1) Where any person is convicted of an offence to which this section applies, and at the time of the commission of the offence the person convicted was the driver or  
25 person in charge of any motor vehicle as defined in the Transport Act 1949, the convicting Court, in addition to imposing any penalty for the offence,—

“(a) May, if the person convicted holds a motor-driver’s  
30 licence under Part II of the Transport Act 1949, cancel the licence or suspend it for such period after the date of the conviction, being a period not exceeding two years, as the Court thinks fit, and may also declare the person convicted to be disqualified from obtaining a motor-driver’s licence or  
35 any specified class of motor-driver’s licence for such period after the date of the conviction, being a period not exceeding two years, as the Court thinks fit:

“(b) May, if the person convicted does not hold a motor-driver’s licence under the said Part II, declare him to be disqualified from obtaining a motor-driver’s licence or any specified class of motor-driver’s licence for such period as the Court thinks fit, 5  
being a period not exceeding two years after the date of the conviction or, if the person is under the age of fifteen years, not exceeding two years after the day on which he attains that age:

“(c) Shall, if the Court makes an order of cancellation or suspension or disqualification under this subsection, cause particulars of the conviction and of any such order to be endorsed on the defendant’s motor-driver’s licence (if any) and on every motor-driver’s licence that may thereafter be issued to him within the next succeeding period of three 15  
years.

“(2) The provisions of section 31 of the Transport Act 1949, except subsections (1) and (3) thereof, shall apply, so far as they are applicable and with the necessary modifications, in every case where the Court makes an order of cancellation or suspension or disqualification under this section. 20

“(3) This section shall apply with respect to offences committed in a public place (as defined in section 40 hereof) 25  
against any of the following enactments:

“(a) Sections 3A, 3B, 3D, subsection (2) of section 3E, and sections 6 and 48 of this Act:

“(b) Sections 4 and 5 of the Police Offences Amendment Act (No. 2) 1952.” 30