

Hon. Sir Francis Bell.

POLICE OFFENCES AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Police Offences Act, 1908.

Title.

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

1. This Act may be cited as the Police Offences Amendment Act, 1923, and shall be read together with and deemed part of the Police Offences Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section three of the principal Act is hereby amended by repealing paragraph (ee), and substituting the following paragraph:—
“(ee.) In or in view of any public place as defined by section twenty-eight 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, or strikes or fights with any other person.”

As to insulting behaviour in a public place.

Struck out.

3. (1.) Section five of the principal Act is hereby amended by repealing paragraph (b), and substituting the following:—
“(b.) (i.) Leaves any hole, excavation, or dangerous formation in, upon, or near any public highway without fencing or enclosing the same, and without keeping two or more red flags by day and two or more lamps showing in every direction a red light by night on the highway at a distance of not less than ten yards and not more than fifteen yards from such hole, excavation, or dangerous formation, and so that a person on any highway approaching the hole, excavation, or formation shall have a flag or light as aforesaid nearer him than such hole, excavation, or formation; or

Endangering public safety by leaving unguarded excavations on public highways.

Struck out.

“(ii.) Leaves any hole, excavation, or dangerous formation in, upon, or near any public place other than a public highway unless the same is enclosed by a fence or other structure, and a lamp showing a red light in every direction is kept burning upon such fence or structure during the night.” 5

(2.) For the purposes of this section the expression “night” means the time between sunset and sunrise.

As to Sunday trading.

4. (1.) Every person is liable to a fine of *five* pounds who on Sunday, in or in view of any public place, trades, works at his trade or calling, deals, transacts business, sells goods, or exposes goods for sale. 10

(2.) Every person is liable to a fine of *five* pounds who on Sunday keeps open any house, store, shop, bar, or other place for the purpose of trading, dealing, transacting business, selling goods, or exposing goods for sale. 15

(3.) Nothing in the foregoing provisions of this section shall apply to works of necessity or charity, or the driving of live-stock, or the sale of refreshments for consumption on the premises, or the sale of medicine or of surgical or medical appliances, or of anything required in connection with sickness or accident, or the sale or delivery of milk, or to hairdressers or barbers before nine o'clock in the forenoon, or to persons driving any public or private motor-car, carriage, or cab, or to persons employed in the working of railway trains or tram-cars, or cable-lines, or on steamers, vessels, or boats, or to any livery-stable keeper, or to any person letting boats for hire, or to any person employed in or in connection with any telegraph or post office, or to any person employed in preparing, printing, and publishing a daily newspaper. 20 25

Repeal.

(4.) This section is in substitution for section seventeen of the principal Act, and that section is hereby accordingly repealed. 30

Extending definition of “public place” for purposes of Part II of principal Act.

5. Section twenty-eight of the principal Act is hereby amended by adding to paragraph (b) the words “and every other place open to or used by the public whether on the payment of money or otherwise.” 35

Struck out.

Section 51 of principal Act (as to rogues and vagabonds) amended.

6. Section fifty-one of the principal Act is hereby amended by repealing paragraph (i), and substituting the following paragraph:—
“(i.) Who is found by night without lawful excuse (the proof of which excuse shall be on him) in or on any building, or in any enclosed yard, garden, or area, or in or on board any ship, launch, yacht, boat, or other vessel; or.” 40

Offence of being found by night on property without lawful excuse but not under circumstances disclosing criminal intent.

7. (1.) Every person commits an offence and is liable on summary conviction to a fine of *ten* pounds or to imprisonment for *three* months who without lawful excuse (the proof of which excuse shall be on him), ~~but in circumstances that do not disclose the commission of, or an intention to commit, any other offence,~~ is found by night in or on any building, or in any enclosed yard, garden, or area, or in or on board any ship, launch, dredge, yacht, boat, or other vessel. 45

New.

(2.) Section fifty-one of the principal Act is hereby amended by repealing paragraph (i) of subsection one thereof. 50

8. For the purposes of the *last preceding* section and of sections fifty and fifty-one of the principal Act the expression "night" means the time commencing on the expiration of the first hour after sunset and concluding at the beginning of the last hour before sunrise.

Term "night" defined.

5 9. Any constable who has reasonable ground for believing that any property which has been stolen or unlawfully obtained is in the possession of any person, or is in any conveyance, package, or receptacle of any description found on or about any wharf, quay, dock, or public place adjacent to any port, harbour, river, canal, navigable stream, 10 inland water, or dock, or is on any ship, launch, yacht, boat, or other vessel in any port, harbour, river, canal, navigable stream, inland water, or dock, may search, and detain for the purpose of search, such person, conveyance, package, receptacle, or vessel, and may take possession of any such property found thereon or therein.

Power of search for pillaged goods.

15 10. (1.) Every person commits an offence and is liable on summary conviction to a fine of ~~twenty~~ *fifty* pounds or to imprisonment for *three* months who unlawfully and without colour of right, but not so as to be guilty of theft thereof within the meaning of the Crimes Act, 1908, takes or converts to his use or to the use of any other person any 20 ~~horse or any~~ motor-car or other vehicle or carriage of any description, or any launch, yacht, boat, or other vessel.

Unlawful use of motor-cars, &c.

Struck out.

25 (2.) In addition to any penalty under this section the convicting Court may order the defendant to pay to the owner such sum, not exceeding *twenty* pounds, as the Court thinks fit 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.

New.

30 (2.) When any person is convicted before Justices of an offence under this section, the Justices may award to the owner such portion of the fine as they think fit, by way of compensation for any damage or loss suffered by the owner in respect of the unlawful taking or conversion; and the order of the Justices shall be a sufficient authority to the Clerk receiving the fine to pay to the owner the portion so awarded.

35 (3.) ~~The making or enforcement of an order~~ *An award* 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~~ *award*.

40 (4.) 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.

(5.) This section is in substitution for section three of the Police Offences Amendment Act, 1919, and that section is hereby accordingly repealed.

Consequential repeal.

45 11. (1.) Where any person subject to the Naval Discipline Acts is apprehended pursuant to the principal Act on the ground only that he has been found drunk in a public place, it shall be lawful for any officer in charge of a police-station to which such person may have been taken pending his being taken and conveyed before a Justice, as 50 required by the principal Act, to deliver him up to any officer of the ship to which he belongs or other authorized person for conveyance to the ship, there to be dealt with in accordance with any Act or regulations relating to naval discipline.

Naval ratings arrested for drunkenness may be delivered to ship without further authority.

(2.) The officer in charge of a police-station may, in his discretion, refuse to deliver up any such person as aforesaid unless he has first received an acknowledgment in writing that the person so to be delivered up was found drunk in a public place.

(3.) In this section the term "Naval Discipline Acts" includes 5
the Imperial Acts respectively cited as the Naval Discipline Act, 1866,
and the Naval Discipline (Dominion Naval Forces) Act, 1911.

New.

Obtaining credit
by fraud.

12. Every person is liable on summary conviction to *three*
months' imprisonment or to a fine of *twenty pounds* who, in incurring 10
any debt or liability, obtains credit by means of any fraud to an
amount not exceeding *fifty pounds*.