

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,

24th July, 1923.

Hon. Sir Francis Bell.

POLICE OFFENCES AMENDMENT.

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A BILL INTITLED

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).
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.”
3. Section seventeen of the principal Act is hereby amended by adding the following further proviso:—
“Provided further that nothing herein shall apply to picture-shows exhibited by license of the Minister of Justice in localities wherein, in the opinion of such Minister, it is desirable in the public interest that such entertainment should be permitted on Sundays.”
4. Section twenty-eight of the principal Act is hereby amended by adding to paragraph (l) the words “and every other place open to use by the public whether on the payment of money or otherwise.”

Short Title.

As to insulting behaviour in a public place.

Section 17 of principal Act amended.

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

Offence of being found by night on property without lawful excuse.

5. (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), 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. 5

(2.) Section fifty-one of the principal Act is hereby amended by repealing paragraph (i) of subsection one thereof. 10

Term "night" defined.

6. 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.

Power of search for pillaged goods.

7. 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, inland water, or dock, or is on any ship, launch, dredge, 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. 15 20

Unlawful use of motor-cars, &c.

8. (1.) Every person commits an offence and is liable on summary conviction to a fine of 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 motor-car or other vehicle or carriage of any description, or any launch, yacht, boat or other vessel. 25 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.) 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 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. 45

Consequential repeal.

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is in substitution for section three of the Police Offences Amendment Act, 1919, and that section is hereby accordingly repealed.

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

9. (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 50

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been taken pending his being taken and conveyed before a Justice, as 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
5 regulations relating to naval discipline.

(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.

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

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

Obtaining credit
by fraud.