

453.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]

House of Representatives, 9th September, 1924.

Hon. Mr. Parr.

POLICE OFFENCES AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. As to insulting behaviour in a public place.</p> <p>3. Application of fines recovered in respect of offences of cruelty to animals.</p> <p>4. As to Sunday trading. Repeal.</p> <p>5. Extending definition of "public place" for purposes of Part II of principal Act.</p> <p>6. Section 51 of principal Act (as to rogues and vagabonds) amended.</p> <p>7. Offence of being found by night on property without lawful excuse, but not under circumstances disclosing criminal intent.</p> <p>8. Term "night" defined.</p> <p>9. Power of search for pillaged goods.</p>	<p>10. Unlawful use of motor-cars, &c. Consequential repeal.</p> <p>11. Naval ratings arrested for drunkenness may be delivered to ship without further authority.</p> <p>12. Obtaining credit by fraud.</p> <p style="text-align: center;"><i>Wrestling Contests.</i></p> <p>13. Wrestling contests to be subject to police supervision. Consequential amendments of principal Act. Permits for wrestling contests. Conduct of wrestling contests. Exhibition of permit. Penalties. Powers of entry by police. Powers of arrest. Regulations.</p>
--	--

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, 1924, 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.

3. Where proceedings for an offence against section seven of the principal Act are instituted by any person acting on behalf of a society established for the prevention of cruelty to animals, the amount of the fine (if any) recovered in respect of that offence shall be paid to that society without further appropriation than this section.

Application of fines recovered in respect of offences of cruelty to animals.

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.

(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. 5

(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 *in a motor garage*, 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-office or post-office, or to any person employed in preparing, printing, and publishing a daily newspaper. 10 15 20

New.

(3A.) The Minister of Railways may, by warrant under his hand addressed to any person, authorize such person, either by himself or by his employee or employees, to open any railway bookstall at any station where Sunday trains are running for business, and carry on the ordinary business thereof on any Sunday or Sundays during such time as may be specified in such warrant. The said Minister may in like manner modify or cancel any such warrant. 25

(3B.) Any person acting under and in accordance with the authority contained in any such warrant shall not be liable under the provisions of subsections *one* and *two* of this section. 30

Repeal.

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

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 (*l*) the words "and every other place open to or used by the public whether on the payment of money or otherwise." 35

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, dredge, 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. 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. 50

457

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.

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, 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.

Power of search for pillaged goods.

10. (1.) Every person commits an offence and is liable on summary conviction to a fine of *twenty* 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 *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.

(2.) In addition to any penalty under the *last preceding* subsection the Magistrate or Justices by whom any person is convicted of an offence under this section may order the person so convicted to pay to the owner a sum not exceeding *twenty* pounds 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, and all moneys so ordered to be paid shall be recoverable in the same manner as fines are recoverable.

(3.) The making or enforcement of an order 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.

(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.

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 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 the Imperial Acts respectively cited as the Naval Discipline Act, 1866, and the Naval Discipline (Dominion Naval Forces) Act, 1911.

Obtaining credit by fraud.

12. Every person is liable on summary conviction to ~~three~~ *four* 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.

5

Wrestling Contests.

Wrestling contests to be subject to police supervision.

13. (1.) The provisions of sections fifty-seven to sixty-four of the principal Act (relating to boxing contests) are hereby extended so as to apply, with the necessary modifications, to wrestling contests.

10

(2.) For the purposes of this section the term "wrestling contest" means any wrestling match, wrestling competition, or wrestling exhibition, for admission to which a charge is made or at which a collection is taken up, or at which those present are invited or permitted to contribute money or to deposit it in the building or elsewhere, or on the result of which any stake, bet, payment, or prize depends.

15

Consequential amendments of principal Act.

(3.) The principal Act is hereby consequentially amended as follows:—

20

Permits for wrestling contests.

(a.) By inserting, after the words "boxing contest" in subsection one and also in subsection three of section fifty-eight, the words "or wrestling contest."

Conduct of wrestling contests.

(b.) By inserting, after the words "boxing contest" in section fifty-nine, the words "or wrestling contest."

25

Exhibition of permit.

(c.) By inserting, after the words "boxing contest" in section sixty, the words "or wrestling contest."

Penalties.

(d.) By inserting, after the words "boxing contest" in section sixty-one, the words "or wrestling contest."

Powers of entry by police.

(e.) By inserting, after the words "boxing contest" in section sixty-two, the words "or a wrestling contest."

30

Powers of arrest.

(f.) By inserting, after the words "boxing contest" in section sixty-three, the words "or a wrestling contest."

Regulations.

(g.) By inserting, after the words "boxing contests" in paragraphs (a), (c), and (d) of section sixty-four, the words "or wrestling contests."

35