

POLICE OFFENCES AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Police Offences Act 1927.

Clause 2: Section 3 of the principal Act deals with offences relating to good order and nuisances, including disorderly behaviour and fighting in or in view of public places as defined by section 40 of the principal Act. Section 40 defines "public place" as including a number of specified places and buildings, but does not include public hospitals or similar institutions in the definition. *Subclause (1)* of this clause makes it an offence for any person to behave in a disorderly or offensive manner, or to strike or fight with any other person, in or in view of a public hospital or any institution under the control of the Department of Health (including a mental hospital). Under the clause no such behaviour is an offence unless it is wilful. *Subclause (2)* increases the penalty under section 3 from £5 to £10.

Clause 3: Subclause (1) removes, in relation to concerts and entertainments, the existing conflict between section 18 of the principal Act, which forbids anyone to work at his calling on Sunday, and section 313 of the Municipal Corporations Act 1933, which authorizes the holding of Sunday concerts and entertainments with the previous consent of the Borough Council or Town Board. The effect of the subclause is that such concerts will be lawful if so authorized by the local authority; and County Councils are given the necessary powers for this purpose. *Subclause (2)* declares the Sunday Observance Act 1780 not to apply in New Zealand. Under that Act, which is apparently in force here, a place opened for public entertainment on Sunday is deemed to be a disorderly house if a charge is made for admission, and every person apparently in charge of the place is liable to forfeit £200, every manager £100, and every doorkeeper £50, to any informer who sues for it.

Clause 4: Under subsection (1) of section 18 of the principal Act an offence is committed by any person who on Sunday, in or in view of any public place, works at his calling, transacts business, sells goods, or exposes goods for sale; and under subsection (2) of that section it is an offence to keep any place open on Sunday for any of those purposes. Subsection (3) of section 18 contains a number of exemptions, including the sale of refreshments for consumption on the premises, the sale of milk, and the carrying on of various essential public services; and subsections (4) and (4A) authorize the carrying on, under special warrants, of business at bookstalls at railway stations, bus terminals, and aerodromes. *Subclause (1)* of this clause relates to refreshments. The effect of the subclause is to permit the sale of refreshments on Sunday, whether they are to be consumed on or off the premises. In order to remove existing doubts as to the meaning of the term "refreshments", that term is declared to include meals, beverages other than intoxicating liquor, ice cream, and confectionery. *Subclause (2)* authorizes growers to sell their own fruit, vegetables, or flowers at their own orchards or gardens. *Subclause (3)* exempts persons working in service stations from the prohibition on working or transacting business on Sunday, and also permits the retail sale of petrol and motor oils on Sunday.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 14 October 1952

Words struck out by Statutes Revision Committee are shown in italics within bold brackets; words inserted are shown in black or in roman with rule down side.

Hon. Mr. Fortune

POLICE OFFENCES AMENDMENT

ANALYSIS

Title.		
1. Short Title.		3. Sunday entertainments lawful where approved by local authority. Repeal.
2. Section 3 of principal Act (as to offences relating to good order) amended.		4. Section 18 of principal Act (as to Sunday trading) amended.

A BILL INTITULED

AN ACT to amend the Police Offences Act 1927.

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 1952, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. II, p. 500

Section 3 of principal Act (as to offences relating to good order) amended.

See Reprint of Statutes, Vol. III, p. 725

Ibid., Vol. V, p. 743

Sunday entertainments lawful where approved by local authority.

1933, No. 30

See Reprint of Statutes, Vol. V, p. 180

2. (1) Section three of the principal Act is hereby amended by adding the following paragraph:—

“(gg) In or in view of any institution under the control of a Hospital Board, or any separate institution within the meaning of the Hospitals Act 1926, or any institution under the control of the Department of Health (including any public institution within the meaning of the Mental Defectives Act 1911), or within the hearing of any person in any such institution as aforesaid, wilfully behaves in a riotous, offensive, indecent, threatening, insulting, or disorderly manner or in a manner detrimental or likely to be detrimental to the orderly conduct, good management, or cleanliness of the institution, or wilfully uses any threatening, abusive, insulting, or indecent words, or wilfully strikes or fights with any other person.”

(2) The said section three is hereby further amended by omitting the words “ five pounds ”, and substituting the words “ ten pounds ”.

3. (1) Section eighteen of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—

“(1A) Nothing in subsection one of this section shall apply to any concert or entertainment held or given with the previous consent of any local authority, and in compliance with such conditions as it may impose, pursuant to section three hundred and thirteen of the Municipal Corporations Act 1933. For the purposes of this subsection,—

“(a) The expression ‘ local authority ’ means any Borough Council, County Council, or Town Board, or the Road Board of any road district that is in a county in which the Counties Act 1920 is suspended or is not in force:

“(b) Every local authority that is not a Borough Council shall have the powers of a Borough Council under the said section three hundred and thirteen, and the provisions of that section shall apply accordingly.”

(2) It is hereby declared that the Sunday Observance Act 1780 does not apply, and shall be deemed never to have applied, in New Zealand.

Repeal.
21 Geo. III
ch. 49 (U.K.)

4. (1) Section eighteen of the principal Act is hereby further amended by omitting from subsection three the words "or the sale of refreshments for consumption on the premises", and by inserting, after the said subsection three, the following subsection:—

Section 18 of
principal Act
(as to Sunday
trading)
amended.

10 “(3A) Nothing in subsection one or subsection two of this section shall apply to the sale of refreshments. Without limiting the ordinary meaning of the term ‘refreshments’, it is hereby declared that for the purposes of this subsection that term includes meals, beverages other than intoxicating liquors, ice cream,
15 and confectionery.”

(2) The said section eighteen is hereby further amended by inserting, after subsection three^A (as inserted by subsection one of this section), the following subsection:—

20 “(3B) Nothing in subsection one or subsection two of this section shall apply to the sale [by any grower of fruit, vegetables, or flowers.] of any fruit, vegetables, or flowers [grown by him if they are sold] **by the grower thereof if the sale is** from the premises or place where
25 they are grown.”

New

30 (3) The said section eighteen is hereby further amended by omitting from subsection three the words “or in a motor garage”, and substituting the words “or to persons engaged in the work of a motor garage or service station or in the retail sale of motor spirits, petrol, or motor oils”.