

## POLICE OFFENCES AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Police Offences Act 1927.

*Clause 2:* Section 3 (*j*) of the principal Act prohibits the placing of an awning or signboard less than eight feet above a public footpath, or the hanging of goods under such an awning. This clause substitutes a new paragraph (*j*), which does not specify a minimum height but requires the permission of the local authority and compliance with any conditions imposed by the local authority.

*Clause 3* makes it an offence to throw or leave bottles or glass in a public place, or to break bottles or glass and leave the broken glass in a public place. The term "public place", which is limited by section 2 of the principal Act to places used by the public as of right, is extended for the purposes of this clause to include any public reserve, any place or waters frequented by bathers, any foreshore, and any other place of public recreation or resort.

*Clause 4* increases the maximum penalties for cruelty to animals to twelve months' imprisonment and a fine of £100. At present the maximum penalties are two months' imprisonment (or six months where the conviction is by a Magistrate or two Justices) and a fine of £20. This clause also provides that prosecutions for cruelty to animals are to be dealt with by a Magistrate.

*Clause 5:* Section 27 of the principal Act makes it an offence for any person to sell, give, or supply cigarettes, cigars, or tobacco in any form to a youth under fifteen. It also makes it an offence for any such youth to smoke in a public place. This clause amends that section so as to provide that the vendor is not liable where the youth purchases through an automatic vending machine, unless the purchase is made with the vendor's knowledge and consent. It also makes it an offence for the youth to purchase cigarettes, cigars, or tobacco for his own use, and makes it clear that the vendor is only liable if the supply is for the youth's own use.

*Clause 6* is a drafting amendment. It repeals the definition of imprisonment, which has become unnecessary since the abolition, by the Criminal Justice Act 1954, of sentences of imprisonment with hard labour.

*Hon. Mr Marshall*

## POLICE OFFENCES AMENDMENT

### ANALYSIS

Title.	4. Increased penalties for cruelty to animals.
1. Short Title.	5. Section 27 of principal Act (as to supplying tobacco to youths) amended.
2. Section 3 of principal Act (as to height of awnings above foot-path) amended.	6. Section 2 of principal Act amended.
3. Throwing or leaving bottles or glass in public place.	

### A BILL INTITLED

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 1955, 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
- 10 2. Section three of the principal Act is hereby amended by repealing paragraph (j), and substituting the following paragraph: Section 3 of principal Act (as to height of awnings above foot-path) amended.
- 15 “(j) Without the permission of the local authority, or in contravention of any condition imposed by the local authority, has any awning or show-board or signboard on or over any public foot-path or footway, or hangs any goods on or under any awning over any such footpath or footway.”

Throwing or  
leaving bottles  
or glass in  
public place.

3. (1) The principal Act is hereby amended by inserting, after section three, the following section:

“3A. (1) Every person commits an offence and is liable to a fine not exceeding twenty pounds who throws or leaves any bottle, or any glass, or any article made of or containing glass, upon or in any public place, or, having broken any bottle or any glass or any such article as aforesaid, leaves the broken glass upon or in any public place. 5

“(2) For the purposes of this section, the expression ‘public place’ means any public place within the meaning of section two of this Act, and also includes any public reserve, any place or waters frequented by bathers, any foreshore, and any other place of public recreation or resort.” 10 15

(2) Section three of the principal Act is hereby amended by omitting from paragraph (a) the word “glass”.

Increased  
penalties for  
cruelty to  
animals.

4. (1) Section seven of the principal Act is hereby amended by omitting from subsection one the words “a fine not exceeding twenty pounds or to imprisonment for any term not exceeding two months”, and substituting the words “imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds, or to both.” 20 25

(2) The said section seven is hereby further amended by repealing subsection three, and substituting the following subsection:

“(3) Proceedings in respect of any offence under this section shall be heard and determined by a Magistrate alone.” 30

(3) The said section seven is hereby further amended as follows:

(a) By omitting from subsection five the words “or the Justice or Justices”: 35

(b) By omitting from the said subsection five the words “or them”.

(4) Section eight of the principal Act is hereby consequentially amended by omitting from subsection one the word “Justice”, and substituting the word “Magistrate”. 40

(5) Section eleven of the principal Act is hereby consequentially amended by omitting the word “Justice”, and substituting the word “Magistrate”.

5. (1) Section twenty-seven of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

Section 27 of principal Act (as to supplying tobacco to youths) amended.

5   “(1) Every person is liable to a fine not exceeding ten pounds who sells, gives, or supplies any cigarette, cigar, or tobacco in any form to any youth under the age of fifteen years for his own use:

10   “Provided that this subsection shall not be construed to make liable any owner or other person having control of any automatic vending machine through which any such youth as aforesaid purchases any cigarette, cigar, or tobacco, unless the purchase is made with the knowledge and consent of that owner or other person.”

15   (2) The said section twenty-seven is hereby further amended by inserting in subsection two, after the words “in any form”, the words “or who purchases for his own use any cigarette, cigar, or tobacco”.

20   (3) The said section twenty-seven is hereby further amended by inserting in subsection three, after the words “using or smoking”, the words “or purchasing”.

6. Section two of the principal Act is hereby amended by repealing the definition of the term “imprisonment”.

Section 2 of principal Act amended.