

POLICE OFFENCES AMENDMENT BILL

EXPLANATORY NOTE

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

Clause 2 prohibits, except with the consent of the Governor-General in Council, the exercise by any association (other than the New Zealand Returned Services' Association Incorporated or a branch or affiliated organisation of that Association) of any functions under a name containing the words "Returned Services' Association" or "Returned Services", or under a name containing the initials "R.S.A.", if in the last-mentioned case the name is such as to raise a reasonable inference that the Association consists of returned servicemen. The clause will not apply to incorporated associations registered before the passing of the Bill.

Clause 3 inserts a new section in Part II of the principal Act, making it an offence for any person, without lawful authority or excuse, to have with him in a public place any offensive weapon, as defined in subsection (7) of the new section. Subsection (5) of the new section authorises any constable who has reasonable cause to believe that a person is committing an offence against the section to arrest that person without warrant if the constable is not satisfied as to his identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in which an offensive weapon might be used. The new section is based on the similar provisions of the Prevention of Crime Act 1953 (U.K.).

Clause 4: This clause re-enacts, with amendments, section 2 of the Police Offences Amendment Act 1935 and section 62 of the Statutes Amendment Act 1945, dealing with the unlawful conversion, or attempted conversion, of motor cars, etc. Apart from minor amendments, the new section contained in the clause increases the penalties that may be imposed on conviction. The penalty on summary conviction is made the same as that on conviction on indictment, namely, a fine not exceeding £200 or a term of imprisonment not exceeding two years (subsections (3) and (4)). The existing power to order payment of compensation to the owner of the thing converted is extended to cover compensation for the destruction of or damage to any thing or animal (subsection (7)). The convicting Court may also cancel or suspend any motor driver's licence held by the offender, and may order that he be disqualified from obtaining such a licence for a period not exceeding two years (subsections (8) and (9)).

Clause 5 extends the existing provisions of the principal Act relating to wrestling contests, by applying to such contests all the provisions of the principal Act relating to boxing contests. The effect of the new provisions is that, in addition to the existing requirement that a permit must be obtained to hold a wrestling contest, no such contest may be held except by a club or association approved by the Governor-General in Council and in accordance with the rules of the club or association and with any regulations that may be made under section 71 of the principal Act.

Clause 6 contains only drafting amendments. It removes references to "incorrigible rogues" from sections 57 to 60 of the principal Act (which relate to the arrest of certain offenders). Since the repeal of sections 55 and 56 of the principal Act by the Criminal Justice Act 1954 those references have had no meaning.

Hon. Mr Marshall

POLICE OFFENCES AMENDMENT

ANALYSIS

Title		3. Carrying offensive weapon in public place without lawful excuse
1. Short Title		4. Conversion or attempted conversion of motor cars, etc.
2. Restrictions on use of name "Returned Services' Association" or "R.S.A."		5. Section 72 of principal Act (as to wrestling contests) amended
		6. Sections 57 to 60 of principal Act amended

A BILL INTITULED

An Act to amend the Police Offences Act 1927

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

1. **Short Title**—This Act may be cited as the Police Offences Amendment Act 1956, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).
- 10 2. **Restrictions on use of name "Returned Services' Association" or "R.S.A."**—(1) Except with the consent of the Governor-General in Council, and subject to the provisions of this section, no association of persons, whether incorporated or not, shall exercise the functions for which it is formed—
- 15 (a) Under the name "Returned Services' Association" or under any name that contains those words or the words "Returned Services"; or

(b) Under any name that contains the initials "R.S.A.", if that name is such as to raise a reasonable inference that the association consists of returned servicemen.

(2) Where any enactment provides for the registration of any association of persons, the registering authority may refuse registration if in the opinion of that authority the use of the name by which the association desires to be registered is prohibited by subsection *one* of this section. 5

(3) Every incorporated association that does any act in contravention of any of the provisions of this section commits an offence and is liable to a fine not exceeding fifty pounds and, if the offence is a continuing one, to a further fine not exceeding five pounds for every day on which the offence has continued. 10

(4) Where any unincorporated association of persons does any act in contravention of this section, every member of the association shall be deemed to have committed an offence and shall be liable to a fine not exceeding ten pounds and, if the offence is a continuing one, to a further fine not exceeding two pounds for every day on which the offence has continued. 15 20

(5) Nothing in this section shall apply to the New Zealand Returned Services' Association Incorporated, or to any association of returned servicemen that is a member of or is affiliated to that Association, or to any branch of such an association.

(6) Nothing in this section shall apply to the use by any association registered, before the passing of this Act, under any enactment of any name that was in use in New Zealand by that association on the passing of this Act. 25

3. Carrying offensive weapon in public place without lawful excuse—The principal Act is hereby amended by inserting, after section fifty-three, the following section: 30

"53A. (1) Every person commits an offence who, without lawful authority or reasonable excuse, the proof of which shall be on him, has with him in any public place any offensive weapon. 35

"(2) Every person who commits an offence against this section is liable on conviction on indictment to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year, or to both.

“(3) The offence created by this section is hereby declared to be an offence that may be dealt with by a Magistrate’s Court presided over by a Magistrate under and subject to the provisions of the Summary Jurisdiction Act 1952, and the

5 provisions of that Act shall apply accordingly.

“(4) Where any person is convicted of an offence against this section the Court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

10 “(5) Any constable who has reasonable cause to believe that any person is committing an offence against this section may arrest that person without warrant, if the constable—

“(a) Is not satisfied as to that person’s identity or place of residence; or

15 “(b) Has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.

20 “(6) Nothing in section sixty or section seventy-three of this Act shall be construed to authorise the arrest without warrant of any person, under either of those sections, in respect of any offence against this section.

25 “(7) For the purposes of this section, the expression ‘offensive weapon’ means any article made or altered for use for causing bodily injury, or intended by the person having it with him for such use.”

Cf. Prevention of Crime Act 1953 (U.K.)

4. Conversion or attempted conversion of motor cars, etc.—

30 The principal Act is hereby further amended by inserting, after section thirty-one (and after the heading following that section), the following section:

35 “32. (1) Every person commits an offence who, unlawfully and without colour of right but not so as to be guilty of theft, as defined in section two hundred and forty of the Crimes Act 1908, takes or converts to his use or to the use of any other person any of the following things, namely:

“(a) Any motor car or other vehicle of any description:

“(b) Any launch, yacht, boat, or other vessel:

40 “(c) Any aircraft within the meaning of the Civil Aviation Act 1948:

“(d) Any part of any such vehicle, vessel, or aircraft as aforesaid:

“(e) Any horse.

“(2) Every person commits an offence who attempts to commit the offence referred to in subsection *one* of this section, or who, unlawfully and without colour of right, interferes with or gets into or upon or attempts to get into or upon any of the things referred to in paragraphs (a) to (d) of that subsection. 5

“(3) Every person who commits an offence against this section is liable on conviction on indictment to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding two years, or to both.

“(4) Every offence under this section is hereby declared to be an offence that may be dealt with by a Magistrate’s Court presided over by a Magistrate under and subject to the provisions of the Summary Jurisdiction Act 1952, and the provisions of that Act shall apply accordingly. 10

“(5) No proceedings for an offence against this section shall be commenced except on an information laid by a member of the Police Force. 15

“(6) If on the trial of any person on a charge of theft the jury or the Magistrate’s Court, as the case may be, is of opinion that the accused is not guilty of theft but is guilty of an offence against this section he may be found guilty of that offence and shall thereupon be punishable under this section.” 20

“(7) In addition to imposing any penalty for an offence against this section the convicting Court may order the person convicted of the offence to pay to the owner of any thing or animal destroyed or damaged a sum not exceeding the estimated value of that thing or animal by way of compensation for the destruction or damage. The making or enforcement of an order under this subsection shall not affect the right of the owner or of any other person to recover by civil proceedings any damages in excess of the amount specified in the order. 25 30

“(8) In addition to imposing any such penalty as aforesaid, the convicting Court, whether or not it makes an order under subsection *seven* of this section,— 35

“(a) May, if the person convicted holds a motor driver’s licence under Part II of the Transport Act 1949, cancel the licence or suspend it for such time as the Court thinks fit, and may also declare the person convicted to be disqualified from obtaining a motor driver’s licence or any specified class of motor driver’s licence for such period after the date of the conviction, being a period not exceeding two years, as the Court thinks fit: 40

5 “(b) May, if the person convicted does not hold a motor driver’s licence under the said Part II, declare him to be disqualified from obtaining a motor driver’s licence or any specified class of motor driver’s licence for such period as the Court thinks fit, being a period not exceeding two years after the date of the conviction or, if the person is under the age of fifteen years, not exceeding two years after the day on which he attains that age:

10 “(c) Shall, if the Court makes an order of cancellation or suspension or disqualification under this subsection, cause particulars of the conviction and of any such order to be endorsed on the defendant’s motor driver’s licence (if any) and on every motor driver’s licence that may thereafter be issued to him within the next succeeding period of three years.

15 “(9) The provisions of section thirty-one of the Transport Act 1949, except subsections one and three thereof, shall apply, so far as they are applicable and with the necessary modifications, in every case where the Court makes an order of cancellation or suspension or disqualification under subsection *eight* of this section.

20 “(10) Any constable may arrest without warrant—

25 “(a) Any person whom he has good cause to suspect of having committed or of being about to commit any offence to which subsection *one* of this section relates:

30 “(b) Any person whom he finds committing or has good cause to suspect of having committed any offence to which subsection *two* of this section relates.

35 “(11) This section is in substitution for section two of the Police Offences Amendment Act 1935 and section sixty-two of the Statutes Amendment Act 1945, and those sections, and section three of the Justices of the Peace Amendment Act 1948, are hereby repealed.”

5. Section 72 of principal Act (as to wrestling contests) amended—(1) Section seventy-two of the principal Act is hereby amended by repealing subsections two to five, and substituting the following subsection:

40 “(2) The provisions of sections sixty-five to seventy-one of this Act shall apply to wrestling contests as if references in those sections to boxing contests were references to wrestling contests.”

45 (2) This section shall come into force on the first day of *January*, nineteen hundred and fifty-seven.

6. Sections 57 to 60 of principal Act amended—The principal Act is hereby further amended as follows:

- (a) By omitting from section fifty-seven the words “or an incorrigible rogue”:
- (b) By inserting in the said section fifty-seven, after the words “every such idle and disorderly person”, the word “or”; and by omitting from that section the words “or incorrigible rogue”:
- (c) By omitting from section fifty-eight the words “or an incorrigible rogue”:
- (d) By omitting from subsection one of section fifty-nine the words “or an incorrigible rogue”:
- (e) By inserting in section sixty, after the words “Idle and Disorderly Persons”, the word “and”; and by omitting from that section the words “and Incorrigible Rogues”.