

POLICE OFFENCES AMENDMENT BILL

EXPLANATORY NOTE

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

Clause 2 makes it an offence for any person to fight in a public place. There is a corresponding provision at present in section 112 of the Crimes Act 1908, but that provision is omitted from the Crimes Bill at present before the House.

Clause 3 makes it an offence for any person wilfully and without lawful justification or excuse to disturb public worship. The corresponding provision in section 152 of the Crimes Act 1908 is omitted from the Crimes Bill at present before the House.

Clause 4 makes it an offence for any person to permit any child under 12 years of age to drive or ride upon any tractor or to ride upon any implement drawn by a tractor. It is a defence to a charge of such an offence if the defendant proves that he believed on reasonable grounds that the child was of or over 12 years of age.

Clause 5: At present section 6 (5) of the principal Act (relating to the wilful destruction of property) provides that where the offence consists in injury to anything in which the offender has an interest, the existence of that interest, if partial, does not prevent his act being an offence, and, if total, does not prevent his act being an offence if done with intent to defraud. This clause alters this by providing that where the act done results in the destruction of or damage to anything in which the offender has an interest, whether total or partial, the existence of the interest does not prevent his act being an offence if it is done with intent to defraud or to cause loss to any other person. It also provides that where property is subject to a mortgage or charge the mortgagor and the mortgagee shall each be deemed to have a partial interest.

Clause 6 makes it an offence forcibly to hinder or prevent any person from working at or exercising any lawful trade, business, or occupation. A provision to this effect now appears in section 14 (1) (a) of the Police Offences Amendment Act 1951, which is being repealed by *clause 9* of this Bill.

Clause 7 makes it an offence for any person to be found by night without lawful excuse (proof of which shall be on him) peeping or peering into the window of a dwellinghouse or lurking or loitering on any land near a dwellinghouse on that land. The existing section under which a person can be charged with such an offence is section 54, which is unsuitable in some respects, as it is in the main intended to cover other matters and does not apply where the property is unfenced.

Clause 8: The effect of this clause is to confer jurisdiction on two Justices of the Peace to deal with the offences created by *clauses 2, 3, and 7* of the Bill.

Clause 9 repeals the Police Offences Amendment Act 1951, which relates to the offences of sedition and intimidation.

Clause 10 makes it an offence for any one, acting for reward and with intent to deceive, to purport to act as a spiritualistic medium or to exercise powers of telepathy or clairvoyance. It is also an offence for any one, acting for reward, to use any fraudulent device in purporting to act as a spiritualistic medium. The clause is based on section 1 of the Fraudulent Mediums Act 1951 (U.K.). The provisions at present appearing in section 261 of the Crimes Act 1908 (pretending to practice witchcraft or undertaking to tell fortunes, etc.) are omitted from the Crimes Bill at present before the House.

Hon. Mr Mason

POLICE OFFENCES AMENDMENT

ANALYSIS

Title	6. Obstructing workers
1. Short Title	7. Peeping into window of dwelling-house by night
2. Fighting in a public place	8. Summary proceedings
3. Disturbing public worship	9. Police Offences Amendment Act 1951 repealed
4. Children on tractors and implements	10. Fraudulent mediums, etc.
5. Wilful destruction of property	

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 1959, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).

10 **2. Fighting in a public place**—(1) The principal Act is hereby amended by inserting, after section three A (as inserted by section three of the Police Offences Amendment Act 1955), the following section:

15 “3B. Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, who fights in any public place as defined by section forty hereof.”

(2) Section three of the principal Act is hereby amended by omitting from paragraph (ee) the words “or strikes or fights with any other person”.

3. Disturbing public worship—(1) The principal Act is hereby further amended by inserting, after section three B (as inserted by section two of this Act), the following section: 5

“3c. Every person commits an offence, and is liable to a fine not exceeding fifty pounds, who wilfully and without lawful justification or excuse disturbs or interferes with the orderly conduct of any religious service or any meeting lawfully assembled for religious purposes, wherever that service or meeting is held, or in any way disturbs or molests any preacher, teacher, or person lawfully officiating at any such service or meeting or any persons there assembled.” 10 15

(2) Section three of the principal Act is hereby amended by omitting from paragraph (dd) the words “any congregation assembled for public worship or” and also the words “or interferes with the orderly conduct of any religious service in any church, chapel, cemetery, burial ground, or other building or place”. 20

4. Children on tractors and implements—The principal Act is hereby further amended by inserting, after section five, the following section:

“5A. (1) Every person commits an offence, and is liable to a fine not exceeding one hundred pounds, who permits any child under the age of twelve years to drive or ride upon any tractor or to ride upon any implement drawn by any tractor. 25

“(2) It is a defence to a charge under this section if the defendant proves that he had reasonable cause to believe and did believe that the child was of or over the age of twelve years. 30

“(3) In this section the term ‘tractor’ means a vehicle propelled by mechanical power that is designed exclusively or principally for the purposes of traction and not for the carriage thereon of passengers (other than the driver) or of goods.” 35

5. Wilful destruction of property—Section six of the principal Act, as substituted by section two of the Police Offences Amendment Act (No. 2) 1952, is hereby amended by repealing subsection five, and substituting the following subsection: 40

“ (5) Where the act done results in the destruction of or any damage to anything in which the person charged has an interest, whether total or partial, the existence of that interest shall not prevent his act being an offence if it is done with
5 intent to defraud or to cause loss to any other person. For the purposes of this subsection, where any property is subject to any mortgage or charge, each of the parties to the mortgage or charge shall be deemed to have a partial interest in that property.”

10 **6. Obstructing workers**—Section thirty-three of the principal Act is hereby amended by adding the following subsection as subsection two thereof:

“ (2) Every person commits an offence, and is liable to a fine not exceeding twenty pounds or to imprisonment for a
15 term not exceeding three months, who forcibly hinders or prevents any person from working at or exercising any lawful trade, business, or occupation.”

7. Peeping into window of dwellinghouse by night—

(1) The principal Act is hereby further amended by inserting,
20 after section fifty-two, the following section:

“ 52A. Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, who is found by night without lawful excuse (the proof of which excuse shall be on him)—

25 “ (a) Peeping or peering into a window of any dwellinghouse; or

“ (b) On any land lurking or loitering near any dwellinghouse situated on that land.”

(2) Section fifty-three of the principal Act is hereby
30 amended by omitting the words “the two last preceding sections”, and substituting the words “sections fifty-one, fifty-two, and fifty-two A of this Act”.

8. Summary proceedings—Section seventy-nine of the principal Act, as substituted by section two hundred and
35 thirteen of the Summary Proceedings Act 1957, is hereby amended—

(a) By inserting in subsection three, after the words “section three”, the words “three B, three C”:

40 (b) By inserting in subsection three, after the word “fifty”, the word “fifty-two A”.

9. Police Offences Amendment Act 1951 repealed—The Police Offences Amendment Act 1951 is hereby repealed.

10. Fraudulent mediums, etc.—(1) Section twelve of the Police Offences Amendment Act (No. 2) 1952 is hereby amended by inserting, after subsection one, the following subsection: 5

“(1A) Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, who, acting for reward,—

“(a) With intent to deceive, purports to act as a spiritualistic medium or to exercise any powers of telepathy or clairvoyance or other similar powers; or 10

“(b) Uses any fraudulent device in purporting to act as a spiritualistic medium or in purporting to exercise such powers as aforesaid.” 15

(2) Section twelve of the Police Offences Amendment Act 1952 is hereby further amended by inserting in subsection three, after the words “subsection one”, the words “or subsection one A”.