

## POLICE OFFENCES AMENDMENT BILL

### EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

*Clause 2* repeals the provision which provides that it is an offence to drive any dog or goat harnessed or attached to any vehicle.

*Clause 3* makes four amendments to section 18 of the principal Act. Subsection (1) of that section makes it an offence for any person to trade, work at his trade or calling, deal, transact business, sell goods, or expose goods for sale in or in view of any public place on a Sunday.

*Subclause (1)*: This subclause amends subsection (1) of section 18 so that where a person works at his trade or calling in or in view of any public place on a Sunday it will be an offence only if he works for gain or reward.

*Subclause (2)*: Subsection (1A) of section 18 provides that nothing in subsection (1) applies to any concert or entertainment held or given with the previous consent of the appropriate local authority.

However subsection (2) of the section provides that it is also an offence for any person, on Sunday, to keep open any premises for the purpose of trading, transacting business, or selling goods. The amendment made by *subclause (2)* of this clause makes it clear that it is not an offence against subsection (2) to keep open, on Sunday, any premises for the purpose of a concert or entertainment consented to by the local authority as aforesaid.

*Subclause (3)*: The amendment made by this subclause means that the provisions of section 18 will no longer prevent persons from being engaged in the preparation, printing, publishing, delivery, or sale of a newspaper on a Sunday. At present the section prevents any work from being done in connection with a newspaper in or in view of a public place on a Sunday other than the preparation, printing, and publishing of a daily newspaper.

*Subclause (4)*: The amendment made by this subclause makes it lawful for a professional photographer to take photographs in or in view of a public place on a Sunday.

*Subclause (5)*: This subclause amends subsection (3B) of section 18 so that it will no longer be an offence against that section for any plant, shrub, or tree or any part of a plant, shrub, or tree to be sold by the grower thereof in or in view of a public place on a Sunday if the sale is made from the premises or place where the plant, shrub, or tree is grown.

*Clause 4* repeals section 39 of the principal Act. This section provides that if the person who commits any offence against Part I of the Act has acted only under the orders or by the sanction of his master or employer, then both the master or employer and the servant or either of them may be held to have committed the offence.

The general law on the criminal liability of a master for the acts of his servant will now apply.

*Clause 5* alters the penalty for the offence of using profane, indecent, or obscene language in a public place or within the hearing of any person in a public place. The present penalty is imprisonment for a term not exceeding one year or a fine not exceeding £20. This clause reduces the maximum period of imprisonment to three months and increases the maximum fine to £50.

*Clause 6:* Under section 65 (2) of the principal Act permits for boxing and wrestling contests may only be granted on the application of some club or association approved for the purpose by the Governor-General in Council.

This clause substitutes the Minister of Internal Affairs as the approving authority.

*Clause 7:* The effect of the amendment proposed by this clause is to increase **the amount of the fine** that may be imposed on a person convicted of assault on a constable under section 77 of the Police Offences Act 1927 from a maximum of £20 to a maximum of £100. It is already possible to sentence such a person to imprisonment for any term not exceeding three months.

*Clause 8* repeals section 78, section 80, sections 82 to 84, and subsection (2) of section 86.

Section 78 imposes a penalty on constables who neglect their duty. This subject is now dealt with more fully in the Police Act 1958.

Section 80 deals with the way in which offences are described in complaints, informations, convictions, and warrants of commitment. This provision is unnecessary in view of the provisions of the Summary Proceedings Act 1957.

Sections 82 to 84 deal with matters of construction and procedure. The provisions are unusual and appear to be unnecessary.

Section 86 (2) is related to section 84.

---

*Hon. Mr Hanan*

## POLICE OFFENCES AMENDMENT

---

### ANALYSIS

Title	
1. Short Title	5. Using of foul language in a public place
2. Offences in public places	6. Permit for boxing contest
3. As to Sunday trading	7. Assaults on members of the Police
4. Masters liable where servants have acted under their orders	8. Repeal of obsolete provisions

---

### 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 1965, and shall be read together with and deemed part of the Police Offences Act 1927\* (hereinafter referred to as the principal Act).
- 10 2. **Offences in public places**—Section 4 of the principal Act is hereby amended by repealing paragraph (h) of subsection (1).
- 15 3. **As to Sunday trading**—(1) Section 18 of the principal Act is hereby amended by inserting in subsection (1), after the word “calling”, the words “for gain or reward”.
- (2) Section 18 of the principal Act is hereby further amended by inserting in subsection (1A) (as substituted by

\*1957 Reprint, Vol. 12, p.1.

Amendments: 1958, No. 87; 1960, No. 7; 1960, No. 119

section 452 of the Counties Act 1956), after the words "subsection (1)", the words "or subsection (2)".

(3) Section 18 of the principal Act is hereby further amended by omitting from subsection (3) the words "employed in preparing, printing, and publishing a daily newspaper", and substituting the words "engaged in preparing, printing, publishing, delivering, or selling a newspaper". 5

(4) Section 18 of the principal Act is hereby further amended by adding to subsection (3) (as amended by paragraph (b) of subsection (2) of section 4 of the Shops and Offices Act 1955) the words "or to any person engaged in taking photographs". 10

(5) Section 18 of the principal Act is hereby further amended by omitting from subsection (3B) (as inserted by section 4 (2) of the Police Offences Amendment Act 1952) the words "or flowers", and substituting the words "flowers, plants, shrubs, or trees or any part of a plant, shrub, or tree". 15

**4. Masters liable where servants have acted under their orders**—The principal Act is hereby further amended by repealing section 39. 20

**5. Using foul language in a public place**—The principal Act is hereby further amended by omitting from section 48 (as amended by subsection (1) of section 40 of the Criminal Justice Act 1954) the words "one year or to a fine not exceeding twenty pounds", and substituting the words "three months or to a fine not exceeding fifty pounds". 25

**6. Permit for boxing contest**—Section 65 of the principal Act is hereby amended by omitting the words "Governor-General in Council" wherever they occur, and substituting in each case the words "Minister of Internal Affairs". 30

**7. Assaults on members of the Police**—Section 77 of the principal Act is hereby amended by omitting the words "twenty pounds", and substituting the words "one hundred pounds."

**8. Repeal of obsolete provisions**—The principal Act is hereby further amended by repealing section 78, section 80, sections 82 to 84, and subsection (2) of section 86. 35