

## POLICE OFFENCES AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Short Title and commencement of the Bill, which is to come into force on 1 January 1968.

*Clause 2* amends the Police Offences Act 1927 and several amendments to that Act so as to alter many of the penalties prescribed for offences. In most cases the maximum fine is increased but in some cases the term of imprisonment at present provided for is omitted or reduced.

In one respect the summary jurisdiction of a Magistrate's Court is increased. At present a person may be prosecuted under paragraph (c) of subsection (1) of section 6 of the Act if he wilfully destroys or damages any property for the destruction of or for damage to which no other punishment is prescribed by the Act if the property destroyed or, as the case may be, the damage to the property, does not exceed in value the sum of \$40. This Bill removes the reference to the sum of \$40 so that a prosecution may be brought under the paragraph irrespective of the value of the property or damage.

*Hon. Mr Hanan*

## POLICE OFFENCES AMENDMENT

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### ANALYSIS

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| 1. Short Title and commencement |  | 2. Review of penalties<br>Schedules |
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### 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 and commencement**—(1) This Act may be  
cited as the Police Offences Amendment Act 1967, and shall  
be read together with and deemed part of the Police Offences  
Act 1927\* (hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on the first day of  
January, nineteen hundred and sixty-eight.

**2. Review of penalties**—(1) The principal Act (as amended  
by section 7 (1) of the Decimal Currency Act 1964) is hereby  
amended in the manner indicated in the First Schedule to this  
15 Act.

(2) The enactments specified in the Second Schedule to  
this Act (as amended by section 7 (1) of the Decimal Cur-  
rency Act 1964) are hereby amended in the manner indicated  
in that Schedule.

\*Reprinted, 1965, Vol. 3, p. 1485

## SCHEDULES

Section 2 (1)

## FIRST SCHEDULE

## AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 3 (as amended by section 2 (2) of the Police Offences Amendment Act 1952)	By omitting the words "twenty dollars", and substituting the words "fifty dollars".
Section 3A (as inserted by section 3 (1) of the Police Offences Amendment Act 1955)	By omitting the words "forty dollars", and substituting the words "one hundred dollars".
Section 3B (as inserted by section 2 (1) of the Police Offences Amendment Act 1960)	By omitting the words "one hundred dollars", and substituting the words "two hundred dollars".
Section 3C (as inserted by section 3 (1) of the Police Offences Amendment Act 1960)	By omitting the words "one hundred dollars", and substituting the words "two hundred dollars".
Section 3D (as inserted by section 2 (1) of the Police Offences Amendment Act (No. 2) 1960 and amended by section 412 (2) of the Crimes Act 1961)	By omitting the words "two hundred dollars", and substituting the words "five hundred dollars".
Section 3E (as inserted by section 3 (1) of the Police Offences Amendment Act (No. 2) 1960)	By omitting from subsection (1) and also from subsection (2) the words "forty dollars", and substituting in each case the words "one hundred dollars".
Section 5 (as amended by section 213 of the Summary Proceedings Act 1957)	By omitting the words "forty dollars", and substituting the words "five hundred dollars".
Section 6 (as substituted by section 2 of the Police Offences Amendment Act (No. 2) 1952 and amended by section 5 of the Police Offences Amendment Act 1960)	<p>By omitting from subsection (1) the words "one hundred dollars", and substituting the words "five hundred dollars".</p> <p>By repealing paragraph (c) of subsection (1), and substituting the following paragraph:</p> <p style="padding-left: 2em;">“(c) Wilfully destroys or damages any property for the destruction of or for damage to which no other punishment is prescribed by this Act.”</p> <p>By omitting from subsection (2) the words "not exceeding forty dollars".</p>

Section Amended	Amendment
Section 6A (as inserted by section 3 of the Police Offences Amendment Act (No. 2) 1952)	By omitting the words "one hundred dollars", and substituting the words "two hundred dollars".
Section 19 .....	By omitting from subsection (1) (as amended by section 213 of the Summary Proceedings Act 1957) the words "sixty dollars or, in the discretion of the Court, to imprisonment for any term not exceeding one month", and substituting the words "four hundred dollars".
Section 20 .....	By omitting from subsection (2) the words "forty dollars", and substituting the words "one hundred dollars". By omitting from subsection (1) the words "twenty dollars", and substituting the words "one hundred dollars". By omitting from subsection (2) the words "forty dollars", and substituting the words "one hundred dollars".
Section 21 .....	By omitting from subsection (1) the words "forty dollars", and substituting the words "one hundred dollars".
Section 22 .....	By omitting from subsection (1) the words "forty dollars", and substituting the words "one hundred dollars".
Section 24 .....	By omitting the words "forty dollars", and substituting the words "one hundred dollars".
Section 25 .....	By omitting the words "forty dollars", and substituting the words "two hundred dollars".
Section 27 .....	By omitting from subsection (1) (as substituted by section 5 (1) of the Police Offences Amendment Act 1955) the words "twenty dollars", and substituting the words "fifty dollars".
Section 31 .....	By omitting from subsection (1) the words "forty dollars", and substituting the words "one hundred dollars".

*Police Offences Amendment*

Section Amended	Amendment
Section 33 ..... ..	By omitting from subsection (1) and also from subsection (2) (as added by section 6 of the Police Offences Amendment Act 1960) the words "forty dollars", and substituting in each case the words "five hundred dollars".
Section 34 (as amended by section 213 of the Summary Proceedings Act 1957)	By omitting the words "two hundred dollars", and substituting the words "five hundred dollars".
Section 36 ..... ..	By omitting from subsection (1) the words "twenty dollars", and substituting the words "fifty dollars".
Section 37 ..... ..	By omitting from subsection (4) the words "ten dollars", and substituting the words "twenty dollars".
Section 37 ..... ..	By omitting the words "or to imprisonment for one month".
Section 41 (as amended by section 58 of the Statutes Amendment Act 1939)	By repealing paragraphs (a) and (b), and substituting the following paragraph: " (a) To a fine not exceeding twenty dollars: "
Section 41 (as amended by section 58 of the Statutes Amendment Act 1939)	By omitting from paragraph (c) the word "such", and substituting the word "a".
Section 41 (as amended by section 58 of the Statutes Amendment Act 1939)	By omitting from paragraph (c) the words "ten dollars", and substituting the words "twenty dollars".
Section 45 ..... ..	By omitting the words "twenty dollars", and substituting the words "fifty dollars".
Section 46 ..... ..	By omitting from paragraph (a) the words "four dollars", and substituting the words "one hundred dollars".
Section 46 ..... ..	By inserting in paragraph (b), after the words "is liable", the words "to a fine not exceeding one hundred dollars or".
Section 47 (as amended by section 3 (3) (c) of the Crimes Amendment Act 1941, section 40 (1) of the Criminal Justice Act 1954, and section 411 (1) of the Crimes Act 1961)	By repealing this section, and substituting the following section: "47. <b>Exposure of person</b> —Every person commits an offence, and is liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred dollars, who wilfully and obscenely exposes his person in any public place or within the view thereof."
Section 47 (as amended by section 3 (3) (c) of the Crimes Amendment Act 1941, section 40 (1) of the Criminal Justice Act 1954, and section 411 (1) of the Crimes Act 1961)	By repealing this section, and substituting the following section: "47. <b>Exposure of person</b> —Every person commits an offence, and is liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred dollars, who wilfully and obscenely exposes his person in any public place or within the view thereof."
Section 48 (as amended by section 40 (1) of the Criminal Justice Act 1954 and section 5 of the Police Offences Amendment Act 1965)	By omitting the words "three months or to a fine not exceeding one hundred dollars", and substituting the words "three months or to a fine not exceeding two hundred dollars".
Section 48 (as amended by section 40 (1) of the Criminal Justice Act 1954 and section 5 of the Police Offences Amendment Act 1965)	By omitting the words "three months or to a fine not exceeding one hundred dollars", and substituting the words "three months or to a fine not exceeding two hundred dollars".
Section 48 (as amended by section 40 (1) of the Criminal Justice Act 1954 and section 5 of the Police Offences Amendment Act 1965)	By omitting the words "three months or to a fine not exceeding one hundred dollars", and substituting the words "three months or to a fine not exceeding two hundred dollars".

Section Amended	Amendment
Section 49 ..... ..	By inserting, after the words "be liable", the words "to a fine not exceeding two hundred dollars or".
Section 50 (as amended by section 213 of the Summary Proceedings Act 1957)	By inserting in subsection (2), after the words "be liable", the words "to a fine not exceeding two hundred dollars or".
Section 51 ..... ..	By omitting from subsection (1) the words "imprisonment for any term not exceeding six months", and substituting the words "a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months".
Section 52 (as amended by section 40 (1) of the Criminal Justice Act 1954)	By inserting in subsection (1), after the words "be liable", the words "to a fine not exceeding four hundred dollars or".
Section 52A (as inserted by section 7 (1) of the Police Offences Amendment Act 1960)	By omitting the words "one hundred dollars", and substituting the words "four hundred dollars".
Section 53A (as inserted by section 3 of the Police Offences Amendment Act 1956 and amended by section 214 (1) of the Summary Proceedings Act 1957 and section 411 (1) of the Crimes Act 1961)	By omitting from subsection (2) the words "two hundred dollars", and substituting the words "four hundred dollars".
Section 54 ..... ..	By omitting the words "twenty dollars", and substituting the words "two hundred dollars".
Section 68 (as amended by section 213 of the Summary Proceedings Act 1957)	By omitting the words "forty dollars", and substituting the words "two hundred dollars".
Section 76 ..... ..	By omitting the words "forty dollars", and substituting the words "one hundred dollars".

Section 2 (2)SECOND SCHEDULE  
AMENDMENTS OF OTHER ACTS

Enactment Amended	Amendment
1935, No. 29—The Police Offences Amendment Act 1935 (Reprinted 1965, Vol. 3, p. 1538)	By omitting from section 4 the words “forty dollars”, and substituting the words “two hundred dollars”.
1939, No. 39—The Statutes Amendment Act 1939 (Reprinted 1965, Vol. 3, p. 1538)	By repealing paragraphs (a) and (b) of section 58.
1948, No. 77—The Statutes Amendment Act 1948 (Reprinted 1965, Vol. 3, p. 1539)	By omitting from subsection (4) of section 38 the words “twenty dollars”, and substituting the words “one hundred dollars”.
1950, No. 95—The Police Offences Amendment Act 1950 (Reprinted 1965, Vol. 3, p. 1540)	By omitting from subsection (3) of section 2 the words “twenty dollars”, and substituting the words “one hundred dollars”.
1952, No. 40—The Police Offences Amendment Act 1952 (Reprinted 1965, Vol. 3, p. 1540)	By repealing subsection (2) of section 2.
1952, No. 43—The Police Offences Amendment Act (No. 2) 1952 (Reprinted 1965, Vol. 3, p. 1541)	By omitting from subsection (1) of section 4 the words “one hundred dollars”, and substituting the words “four hundred dollars”.
	By inserting in subsection (1) of section 8, after the words “one year”, the words “or to a fine not exceeding five hundred dollars”.
	By inserting in subsection (1) of section 9, after the words “one year”, the words “or to a fine not exceeding five hundred dollars”.
	By omitting from subsection (1) of section 12 the words “imprisonment for a term not exceeding one month, or to a fine not exceeding forty dollars”, and substituting the words “a fine not exceeding one hundred dollars”.
	By omitting from subsection (1A) of section 12 (as inserted by section 10 (1) of the Police Offences Amendment Act 1960) the words “one hundred dollars”, and substituting the words “two hundred dollars”.
	By omitting from section 13 the words “one hundred dollars”, and substituting the words “two hundred dollars”.

Enactment Amended	Amendment
1954, No. 79—The Police Offences Amendment Act 1954 (Reprinted 1965, Vol. 3, p. 1542)	By omitting from paragraph (a) of subsection (2) of section 2 the words “one hundred dollars”, and substituting the words “two hundred dollars”. By omitting from paragraph (b) of subsection (2) of section 2 the words “two hundred dollars”, and substituting the words “four hundred dollars”.
1961, No. 43—The Crimes Act 1961 1965, No. 7—The Police Offences Amendment Act 1965	By repealing so much of the Third Schedule as relates to section 47 of the principal Act. By repealing section 5.