

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council.

8th October, 1907.

[AS AMENDED BY THE HOUSE OF REPRESENTATIVES.]

6th November, 1907.

Hon. Dr. Findlay.

POLICE OFFENCES.

ANALYSIS.

Title.

1. Short Title.

2. Offence to carry on trade, &c., implying appointment by Governor without authority.

3. Unlawful use of personal name as trade-name, &c.

4. Imitation of Court documents an offence.

A BILL INTITULED

AN ACT to amend the Police Offences Act, 1884.

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 Act, 1907, and shall be read together with and deemed part of the Police Offences Act, 1884.

Short Title.

10 2. (1.) Every person carrying on any trade, business, calling, or profession who, without a written authority or appointment signed by or on behalf of the Governor, or after any such authority or appointment has been revoked, publicly uses, exhibits, or makes in connection with such trade, business, calling, or profession any sign, device, trade-name, trade-mark, or written statement

15 indicating or calculated to lead other persons to believe that he is or was carrying on such trade, business, calling, or profession under the authority, sanction, approval, appointment, or patronage of the Governor or of any member of the Governor's family commits an offence, and is liable to a fine not exceeding *fifty* pounds.

Offence to carry on trade, &c., implying appointment by Governor without authority.

20 (2.) In every prosecution for an offence against this section the burden of proving that the defendant so acted with the written authority or appointment of the Governor shall be on the defendant.

(3.) In this section all references to the Governor shall be read as being also references to his predecessors in office.

25 (4.) In any prosecution for an offence against this section the term "Governor" as used in any sign, device, trade-name, trade-mark, advertisement, or written statement shall be deemed and taken to mean the Governor in office at the time of the offence committed, unless it is otherwise expressly indicated in such sign, device, trade-

30 name, trade-mark, advertisement, or statement.

(5.) In any information for an offence against this section it shall be sufficient to allege that the defendant did, without lawful authority, profess to carry on business under the patronage of the Governor or of a member of the Governor's family, as the case may be.

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Struck out.

Unlawful use of personal name as trade-name, &c.

3. (1.) It shall not be lawful for any person to use the name of any other person in New Zealand, without his permission, or after such permission has been withdrawn, as the name or part of the name of any animal, ship, vessel, building, institution, article of merchandise, or other thing whatsoever.

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(2.) For the purposes of this section every person shall be deemed to use the name of another person, if he uses any such portion, abbreviation, or variation of the said name as is sufficient in accordance with common usage to indicate that person.

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(3.) Nothing in this section shall apply to the use by any person of his own name or of any portion or abbreviation thereof, unless it is used with intent that it may be mistaken for the name of some other person.

(4.) Every person who commits any breach of the provisions of this section is liable to a fine not exceeding *twenty* pounds.

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Imitation of Court documents an offence.

4. (1.) Every person commits an offence, and is liable to a fine not exceeding *ten* pounds, who sends, posts, or delivers to any other person any document which is intended or likely, by reason of its wording or appearance, or in any other manner, to cause any person ignorant of the law to believe, contrary to the fact, that such document has been issued by, or by the authority of, a Court, Judge, Magistrate, or Justice, or by an officer of a Court, or that the issue or delivery of such document has any legal effect or operation as a step or process in or preliminary to any legal proceedings, whether civil or criminal, before any Court, Judge, Magistrate, or Justice.

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(2.) Every person commits an offence, and is liable to a fine not exceeding *twenty* pounds, who prints or sells or offers for sale any printed form of document intended to be filled up and used as a document the delivery of which to any person would be an offence against this section.

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(3.) It shall not be a defence in any prosecution for an offence against this section that the person receiving any such document was not actually deceived thereby, or that such document does not profess to be and does not resemble any summons, notice, or other document which any actual Court, Judge, Magistrate, Justice, or officer has authority to issue, or the issue of which has any such legal effect or operation as is hereinbefore in this section mentioned.

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(4.) In any information for an offence against this section it shall be sufficient to allege that the defendant sent, posted, delivered, printed, sold, or offered for sale, as the case may be, a document in imitation of judicial process.

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Public use of words, initials, abbreviations in certain cases an offence.

5. (1.) Every person commits an offence and is liable to a fine not exceeding *twenty* pounds who publicly uses in connection with his business, trade, calling, or profession any written words, initials, or abbreviation of words intended or likely to cause any person to believe, contrary to the fact, that he holds a degree, diploma, or certificate granted or issued by any university or other institution,

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society, or association, whether in New Zealand or elsewhere, or that he is a member, associate, or fellow of any such institution, society, or association.

(2.) In every prosecution for an offence against this section the
5 burden of proving that the defendant holds such degree, diploma, or certificate, or is a member, associate, or fellow of any such institution, society, or association, shall be on the defendant.

(3.) It shall be no defence in any prosecution under this section
10 that the words, initials, or abbreviation so used by the defendant do not refer or profess to refer or were not understood by any person to refer to any particular or actual university, institution, society, or association.

(4.) In any prosecution for an offence against this or any other
15 Act the use of the word "doctor" by a registered medical practitioner shall not in itself be deemed to indicate or to be likely to cause other persons to believe that such medical practitioner holds the degree of doctor in any university :

Provided that no prosecution shall take place under this section without the previous consent of the Attorney-General.