

Ms Gail McIntosh

PASSIVE RESISTANCE SPRAYS REFORM

ANALYSIS

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A BILL INTITULED

An Act—

- (a) To amend the Arms Act 1983 by making it lawful to possess passive resistance sprays:
5 (b) To amend the Crimes Act 1961 by making it lawful to possess passive resistance sprays

BE IT ENACTED by the Parliament of New Zealand as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Passive Resistance Sprays Reform Act 1992.
10 (2) This Act shall come into force on the day on which it receives the Royal assent.

PART I

AMENDMENTS TO ARMS ACT 1983

- 15 **2. Part to be read with Arms Act 1983**—This Part of this Act shall be read together with and deemed part of the Arms Act 1983 (hereinafter in this Part referred to as the principal Act).

- 20 **3. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “member of the police”, the following definition:

No. 142—1

“‘Passive resistance spray’ means any disabling spray declared by the Governor-General, by Order in Council made under section 74 of this Act, to be a passive resistance spray.”

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “restricted weapon”, and substituting the following definition: 5

“‘Restricted weapon’ means any weapon, other than a passive resistance spray, whether a firearm or not, declared by the Governor-General by Order in Council under section 4 of this Act to be a restricted weapon.”. 10

4. Regulations—Section 74 of the principal Act is hereby amended by inserting, after paragraph (o), the following paragraph: 15

“(oa) Declaring any substance to be a passive resistance spray:”.

PART II

AMENDMENTS TO CRIMES ACT 1961

5. Part to be read with Crimes Act 1961—This Part of this Act shall be read together with and deemed part of the Crimes Act 1961 (hereinafter in this Part referred to as the principal Act). 20

6. Possession of offensive weapons or disabling substances—(1) Section 202A of the principal Act is hereby amended by inserting, after subsection (3), the following subsection: 25

“(3A) In this section, ‘passive resistance spray’ means any substance for the time being declared by the Governor-General, pursuant to section 74 of the Arms Act 1983, to be a passive resistance spray.” 30

(2) Section 202A of the principal Act is hereby further amended by repealing subsection (4) (a), and substituting the the following paragraph:

“(a) Who, without lawful authority or reasonable excuse, has with him in any public place any knife or offensive weapon or disabling substance other than a passive resistance spray; or” 35