

Policing (Constable's Oaths Validation) Amendment Bill

Government Bill

Explanatory note

General policy statement

The purpose of the Policing (Constable's Oaths Validation) Amendment Bill 2009 is to remove any doubt about the validity of constabulary powers conferred on those Police employees who took the constable's oath between 1 October 2008 and 12 October 2009.

On 1 October 2008 the Policing Act 2008 came into force, replacing the Police Act 1958. Prior to 1 October 2008 the constable's oath was taken before a Justice or commissioned officer of Police pursuant to section 37 of the Police Act 1958. On and from 1 October 2008 section 22 of the Policing Act instituted a new procedure for administering the constable's oath.

Between 1 October 2008 and 12 October 2009 the constable's oaths were administered to Police employees graduating from the Royal New Zealand Police College (RNZPC) by senior Police employees based at RNZPC. No new authorisations were issued between 1 October 2008 and 12 October 2009 and persons who had the authority to administer the oath under section 37 of the Police Act 1958 assumed that that authorisation continued under section 22 of the Policing Act 2008.

As the procedures in place under the Police Act 1958 carried over past 1 October 2008, this has given rise to doubt about whether the

constable's oaths administered to Police employees from that date until 13 October 2009 were effective in conferring constabulary powers on those employees. The Policing (Constable's Oaths Validation) Amendment Bill 2009 is validating legislation that deems the oaths of office taken by affected Police employees to have been administered as if the persons administering them had been authorised by the Commissioner of Police and had complied with the requirement of section 22(2) of the Policing Act 2008.

Clause by clause analysis

Clause 1 specifies the title the Bill will have when it is enacted.

Clause 2 is the commencement clause. The Bill will come into force on the day after the date on which it receives the Royal assent.

Clause 3 specifies that the principal Act being amended by the Bill is the Policing Act 2008.

Clause 4 validates constable's oaths taken by Police employees from and including 1 October 2008 (the date the principal Act came into force) through to the close of 12 October 2009 that were not administered in accordance with section 22 of the principal Act.

Hon Judith Collins

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Policing (Constable's Oaths Validation) Amendment Act **2009**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act amended**
This Act amends the Policing Act 2008.

4 New heading and section 115A inserted

The following heading and section are inserted after section 115:

“Validation of constable’s oaths

“115A Validation of constable’s oaths

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A Police employee or judicial officer who has administered the constable’s oath described in section 22(1) in the period that commenced on 1 October 2008 and ended with the close of 12 October 2009 is to be treated as having been authorised, throughout that period, by the Commissioner to administer the oath and as having administered the oath in accordance with section 22.”

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