

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 9 October 1952

**Words struck out by Committee are shown in italics
within bold brackets; words added are shown in black.**

Hon. Mr. Webb

POLICE OFFENCES AMENDMENT (No. 2)

ANALYSIS

Title.	
1. Short Title and commencement.	7. Section 74 of principal Act (as to apprehension of persons charged with recent assaults) amended.
2. Wilful destruction of property.	8. Householder permitting defilement of young girl on his premises.
3. Wilful trespass after warning to leave.	9. Unlawful detention with intent to have carnal knowledge.
4. Common assault.	10. Power of search and arrest in cases of unlawful detention.
5. Assault on a child, or by a male on a female.	11. Brothel-keeping.
6. Award of part of fine as compensation to party injured by assault.	12. Fortune-telling.
	13. Advertising reward for stolen property.

A BILL INTITULED

AN ACT to amend the Police Offences Act 1927.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Police Offences Amendment Act (No. 2) 1952, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).

Short Title and commencement.

See Reprint of Statutes, Vol. II, p. 500

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

Wilful
destruction
of property.

2. The principal Act is hereby amended by repealing section six, and substituting the following section:—

“6. (1) Every person commits an offence and is liable to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, who— 5

“(a) Wilfully sets on fire any timber, bush, scrub, grass, fern, flax, or other vegetation on any land that is not his own property or in his own occupation:

“(b) Wantonly or maliciously destroys, defaces, 10 damages, or removes any door-plate or any other plate or board with any name or notice thereon, or any bell, knocker, sign-board, or gate:

Cf. 1927,
No. 37, s. 216

“(c) Wilfully destroys or damages any property for 15 the destruction of or for damage to which no other punishment is prescribed by this Act, if the property destroyed, or, as the case may be, the damage to the property, does not exceed in value the sum of *twenty* 20 pounds.

Cf. *ibid.*, s. 220

“(2) Where any person is convicted of an offence under this section, the Court may, in addition to imposing any such penalty as aforesaid, order the person so convicted to pay to the owner of any property 25 destroyed or damaged a sum not exceeding *twenty* pounds by way of compensation for the destruction or damage. The making or enforcement of an order under this subsection shall not affect the right of the owner or of any other person to recover by civil proceedings any 30 damages in excess of the amount specified in the order.

Cf. *ibid.*, s. 215

“(3) For the purposes of this section, every person who causes any event by an act which he knew would probably cause it, being reckless whether that event happens or not, shall be deemed to have caused it 35 wilfully.

“(4) Nothing shall be an offence under this section unless it is done without legal justification or excuse, and without colour of right.

“(5) Where the offence consists in an injury to 40 anything in which the offender has an interest, the existence of that interest, if partial, shall not prevent his act being an offence, and, if total, shall not prevent his act being an offence if done with intent to defraud.

“(6) Any constable who on reasonable and probable grounds believes that any person has committed an offence against this section may arrest that person without warrant.”

Cf. 1927,
No. 37, s. 219

5 **3.** The principal Act is hereby further amended by inserting, after section six (as substituted by section *two* of this Act), the following section:—

Wilful trespass
after warning
to leave.

10 “6A. Every person commits an offence and is liable to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, who wilfully trespasses in any place, and neglects or refuses to leave that place after being warned to do so by the owner or any person in lawful occupation of the place, or any person acting under the express or implied authority of
15 the owner or person in lawful occupation.”

4. (1) Every person is liable, on summary conviction before a Magistrate or any two or more Justices, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, who commits the
20 offence of common assault within the meaning of section two hundred and ten of the Crimes Act 1908.

Common
assault.
Cf. *ibid.*, s. 202

(2) Nothing in this Act shall authorize any Magistrate or Justices to hear and determine any case of assault in which any question arises as to the title to
25 any lands, tenements, or hereditaments or any interest therein or accruing therefrom, or as to any bankruptcy or any execution under the process of any Court.

See Reprint
of Statutes,
Vol. II, p. 242
Cf. 1927,
No. 37, s. 206

5. (1) Every person commits an offence and is liable, on summary conviction before a Magistrate, to imprison-
30 ment for a term not exceeding one year who—

Assault on a
child, or by a
male on a
female.

(a) Commits an assault, within the meaning of section two hundred and seven of the Crimes Act 1908, on any child under the age of fourteen years:

Cf. *ibid.*, s. 203

35 (b) Being a male, commits any such assault as aforesaid on any female.

See Reprint
of Statutes,
Vol. II, p. 240

(2) The fact that any person assaulted is a child under the age of fourteen years, or, as the case may be, that an assault is committed by a male on a female,
40 shall not prevent proceedings being taken against the offender under section *four* of this Act, or under any other enactment applicable to the case, instead of under this section.

Award of part of fine as compensation to party injured by assault.

Cf. 1927, No. 37, ss. 207, 220 (2)

6. (1) Where under this Act any person is convicted of any assault, and [it appears on the evidence of a credible witness, not being the person assaulted,] **the Court is satisfied** that the assault—

(a) Was wanton and unprovoked; and

(b) Was attended with bodily injury to the person assaulted or with injury to his clothes, or with injury to any property then in his immediate personal custody,—

5

and where in any such case a fine is imposed on the offender, the Court, in its discretion, may award to the person assaulted, by way of compensation, any portion, not exceeding half, of the fine so imposed.

(2) In any such case, the order of the Court shall be a sufficient authority to the Registrar receiving the fine for the payment of the portion so awarded to the person assaulted.

15

(3) The award of any portion of a fine under this section shall not affect the right of the person assaulted or of any other person to recover by civil proceedings any damages in excess of the amount so awarded.

20

Section 74 of principal Act (as to apprehension of persons charged with recent assaults) amended.

7. Section seventy-four of the principal Act is hereby amended by omitting the word “aggravated”.

Householder permitting defilement of young girl on his premises. Cf. *ibid.*, s. 208

8. (1) Every person commits an offence and is liable, on summary conviction before a Magistrate, to imprisonment for a term not exceeding one year who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of sixteen years to resort to or be on the premises for the purpose of being unlawfully carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally.

25

30

(2) It shall be a sufficient defence to any charge under this section if it is made to appear to the Magistrate before whom the charge is brought that the person so charged had reasonable cause to believe that the girl was of or over the age of sixteen years.

35

9. (1) Every person commits an offence and is liable, on summary conviction before a Magistrate, to imprisonment for a term not exceeding one year who detains any woman or girl against her will—
- 5 (a) On any premises with intent that she may be carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally:
- (b) In any brothel within the meaning of section 10 *eleven* of this Act.
- (2) Where any woman or girl is on any premises for the purpose of having any unlawful carnal connection, or in any such brothel as aforesaid, a person shall be deemed to detain her on those premises or in that 15 brothel if, with intent to compel or induce her to remain there—
- (a) That person withholds from her any clothing or property belonging to her; or
- 20 (b) Where any clothing has been lent or supplied to her by or by direction of that person, that person threatens to take legal proceedings against her if she takes the clothing away with her.
- (3) No legal proceedings, whether civil or criminal, 25 shall be taken against any such woman or girl as aforesaid for taking away or being found in possession of such clothing as was necessary to enable her to leave the premises or brothel.
10. (1) If any Justice is satisfied, on the oath of any 30 parent, relative, or guardian of any woman or girl, or on the oath of any person who, in the opinion of the Justice, is acting in good faith in the interest of any woman or girl, that there is reason to suspect that the woman or girl is unlawfully detained for immoral pur- 35 poses by any person in any place, the Justice may issue a warrant authorizing any constable to enter, by force if necessary, and with such assistants as may be necessary, any house, building, or other place specified in the warrant, and to search for the woman or girl 40 therein and, if she is found, to take her to a place of safety and detain her there until she can be brought before a Justice.

Unlawful detention with intent to have carnal knowledge.

Cf. 1927, No. 37, s. 210

Cf. *ibid.*, s. 211

Power of search and arrest in cases of unlawful detention.

Cf. *ibid.*, s. 212

(2) A Justice issuing a warrant as aforesaid may also, by the same or any other warrant, authorize any constable to arrest any person accused of so unlawfully detaining the woman or girl, and to bring him before any Magistrate or Justices to be dealt with according to law. 5

(3) Where any such woman or girl as aforesaid is brought before a Justice under this section, he may cause her to be delivered to her parents or guardians, or otherwise dealt with according to law, as the circumstances of the case may require. 10

(4) Any constable executing a warrant under this section may be accompanied by the parent, relative, guardian, or other person who applied for the issue of the warrant, unless the Justice otherwise directs. 15

(5) A woman or girl shall be deemed for the purposes of this section to be detained for immoral purposes if she is detained for the purpose of being unlawfully carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally, and— 20

(a) Is under the age of sixteen years; or

(b) Being of the age of sixteen years or over that age and under the age of eighteen years, is so detained against her will, or against the will of her father or mother or of any person having the lawful care or charge of her; or 25

(c) Being of or over the age of eighteen years, is so detained against her will.

11. (1) Every person commits an offence and is liable, on summary conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, who— 30

(a) Keeps or manages, or acts or assists in the management of, any brothel: 35

(b) Being the tenant, lessee, or occupier of any premises, knowingly permits the premises or any part thereof to be used as a brothel, or for the purposes of habitual prostitution:

(c) Being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the premises or any part thereof with the knowledge that the premises are to be used as a brothel, or that some part thereof is to be so used, or is wilfully a party to the continued use of the premises or any part thereof as a brothel. 40 45

Brothel-
keeping.
Cf. 1927,
No. 37, s. 214

(2) Where any person is convicted of an offence against this section, the Magistrate may, in addition to sentencing him to imprisonment or a fine as aforesaid, require him to enter into a recognizance, with or without 5 sureties as the Magistrate thinks fit, to be of good behaviour for any period not exceeding twelve months; and may, if that person fails to enter into the recognizance, sentence him to imprisonment for a term not exceeding three months in addition to the sentence 10 imposed on conviction as aforesaid.

(3) In this section, the term "brothel" means any house, room, set of rooms, or place of any kind whatever kept for the purposes of prostitution. Cf. 1927, No. 37, s. 186 (1)

12. (1) Every person commits an offence and is 15 liable, on summary conviction before a Magistrate, to imprisonment for a term not exceeding one month, or to a fine not exceeding twenty pounds, who, acting for reward, undertakes to tell fortunes, whether by palmistry or any other means whatsoever. Fortune-telling. Cf. ibid., ss. 236, 237 14 and 15 Geo. VI, ch. 33 (U.K.)

20 (2) For the purposes of this section, a person shall be deemed to act for reward if in respect of what he does any moneys are paid, or any valuable thing is given, whether to him or to any other person.

(3) Nothing in subsection one of this section 25 shall apply to anything done solely for the purpose of entertainment.

13. Every person commits an offence and is liable, on summary conviction before a Magistrate, to a fine not exceeding fifty pounds who— Advertising reward for stolen property. Cf. 1927, No. 37, s. 246

30 (a) Publicly advertises a reward for the return of any property which has been stolen or lost, and in the advertisement uses any words to the effect that no questions will be asked:

35 (b) Promises or offers in any public advertisement to refund to any pawnbroker or other person who may have bought any property stolen or lost, or advanced any moneys by way of loan thereon, the moneys paid by the pawnbroker or other person, or any other sum of money or reward for the return of the property: 40

(c) Prints or publishes any advertisement containing any such words, promise, or offer as aforesaid.