

Policing (Constable's Oaths Validation) Amendment Bill

Government Bill

Explanatory note

General policy statement

The purpose of this Bill is to remove any doubt about the validity of constabulary powers conferred on those 63 ex-constables who have rejoined the New Zealand Police since 13 October 2009 and who, on their return, took the constable's oath before a person not authorised to administer it under section 22 of the Policing Act 2008.

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 2008 instituted a new procedure for administering the constable's oath. This requires the oath to be administered by the Commissioner of Police or a person authorised by the Commissioner.

New Police recruits undertake the constable's oath at the Royal New Zealand Police College, where all staff who administer the oath are authorised by the Commissioner. However, since 13 October 2009 the constable's oath has been administered to 63 ex-constables who were rejoining the Police. When an ex-constable who is rejoining the Police undertakes the oath it is administered by a District Commander or Inspector based in a Police district, rather than at the Royal

New Zealand Police College. New authorisations had not been issued to the District Commanders and Inspectors who administered these oaths and as commissioned officers of Police they assumed that the authorisation under section 37 of the Police Act 1958 had continued under section 22 of the Policing Act 2008.

This Bill is validating legislation that deems the oaths of office taken by affected Police employees to have been administered as if the person administering them had been authorised by the Commissioner of Police and was satisfied the requirements of section 22(2) of the Policing Act 2008 were met.

Departmental disclosure statement

The New Zealand Police is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2013&no=153&>.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, which provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

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

Clause 4 makes an amendment to section 115A that validates constable's oaths taken by Police employees in the period commencing on **13 October 2009** and ending with the close of **13 October 2013**.

Hon Anne Tolley

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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 **2013**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Policing Act 2008 (the **principal Act**).
- 4 Section 115A amended (Validation of constable's oaths)** 10
In section 115A, insert as subsection (2):

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cl 4

“(2) A Police employee who has administered the constable’s oath described in section 22(1) in the period that commenced on **13 October 2009** and ended with the close of **13 October 2013** 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.” 5
