

New Zealand.

## NAVAL AND VICTUALLING STORES.

1908, No. 127.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Protection of His Majesty's Navy and Victualling Stores in New Zealand.

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

Short Title.

1. (1.) The Short Title of this Act is "The Naval and Victualling Stores Act, 1908."

Enactments consolidated

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto.

Savings.

(3.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Interpretation.  
1807, No. 9, sec. 2

2. In this Act, if not inconsistent with the context,—

"Admiralty" means the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the office of Lord High Admiral:

"Dealer in marine stores" means a person dealing in, buying, and selling anchors, cables, sails, or old junk, old iron, or marine stores of any description:

"Dealer in old metals" means a person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only or together with second-hand goods or marine stores; and the term "old metals" means the said articles:

“His Majesty’s service,” when applied to persons, applies also to persons in the employment of the Admiralty in New Zealand.

3. (1.) The marks described in the Second Schedule hereto may be applied in or on His Majesty’s naval and victualling stores in New Zealand to denote His Majesty’s property in stores so marked.

Marks appropriated for His Majesty’s naval and victualling stores. 1867, No. 9, sec. 3

(2.) It shall be lawful for the Governor or any person authorised by him or the Admiralty, their contractors, officers, and workmen, to apply the said marks or any of them in or on any such stores as are described in the said Schedule.

(3.) Every person who without lawful authority (proof of which authority shall lie on the party accused) applies any of the said marks in or on any such stores commits an indictable offence, and is liable to imprisonment for any term not exceeding two years with or without hard labour.

Imitation an offence.

4. Every person who, with intent to conceal His Majesty’s property in any naval or victualling stores, takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid commits an indictable offence, and is liable, in the discretion of the Court, to imprisonment for any term not exceeding two years with or without hard labour, and with or without solitary confinement.

Obliteration with intent to conceal His Majesty’s property an offence. Ibid, sec. 4

5. (1.) Every person who without lawful authority (proof of which authority shall lie on the party accused) receives, possesses, keeps, sells, or delivers any naval or victualling stores bearing any such mark as aforesaid, knowing them to bear such mark, commits an indictable offence, and is liable to imprisonment for any term not exceeding one year with or without hard labour.

Knowingly receiving, &c., marked stores an offence. Ibid, sec. 5

(2.) Where the person charged with an offence against this section was at the time at which the offence is charged to have been committed a dealer in marine stores, or a dealer in old metals, or in His Majesty’s service, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid shall be presumed until the contrary is shown.

Knowledge of stores being marked presumed against dealers, &c. Ibid, sec. 6

(3.) Every person charged with such an offence in relation to stores the value of which does not exceed five pounds is liable on summary conviction before a Justice to a fine not exceeding twenty pounds or, in the discretion of the Justice, to imprisonment for any term not exceeding six months with or without hard labour.

Offenders may be summarily convicted in certain cases. Ibid, sec. 7

6. Every conviction of a dealer in old metals for any offence in this Act expressed to be an indictable offence shall, for the purpose of registration and its consequences under “The Second-hand Dealers Act, 1908,” be equivalent to a conviction under that Act.

Effect of conviction of dealer in old metals. Ibid, sec. 8

7. In order to prevent a failure of justice in some cases by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, the following provisions shall have effect :—

Persons not dealers in marine stores, &c., found in unlawful possession of naval or victualling stores. Ibid, sec. 9

(a.) If any naval or victualling stores bearing any such mark are found in the possession of any person not being a dealer in marine stores or a dealer in old metals, and not being in His Majesty’s service, and such person when taken or summoned before a Justice does not satisfy the Justice that he came lawfully by the stores so found, he shall be liable on conviction by the Justice to a fine not exceeding five pounds.

(b.) If any such person satisfies the Justice that he came lawfully by the stores so found the Justice, at his discretion, as the evidence given and the circumstances of the case require, may summon before him every person through whose hands such stores appear to have passed, and if any such person as last aforesaid who has had possession thereof does not satisfy the Justice that he came lawfully by the same, he shall be liable on conviction by the Justice to a fine not exceeding five pounds.

Criminal possession explained.  
1867, No. 9, sec. 10

8. For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

No unauthorised person to creep, sweep, &c., for stores within one hundred yards of dockyards, &c.  
Ibid, sec. 11

9. (1.) It shall not be lawful for any person without permission in writing from the Governor or the Admiralty, or from some person authorised by the Admiralty in that behalf, to creep, sweep, dredge, or otherwise search for stores in the sea or any tidal water within one hundred yards from any vessel belonging to His Majesty or in His Majesty's service, or from any mooring-place or anchoring-place appropriated to such vessels, or from any moorings belonging to His Majesty, or from any of His Majesty's wharves or dockyards or victualling-yards.

(2.) Every person who acts in contravention of this provision is liable on summary conviction before a Justice to a fine not exceeding five pounds, or to imprisonment for any term not exceeding three months with or without hard labour.

Prosecutions.  
Ibid, sec. 13

10. It shall not be competent for any person other than the Admiralty, or some person appointed for the purpose by the Admiralty, or the Governor, or any person appointed for the purpose by the Governor, to institute or carry on under this Act any prosecution or proceedings for any offence.

Not to prevent persons being indicted under this Act, &c.  
Ibid, sec. 14

11. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

## SCHEDULES.

### FIRST SCHEDULE.

#### ENACTMENTS CONSOLIDATED.

1867, No. 9.—“Her Majesty's Naval and Victualling Stores Act, 1867.”

SECOND SCHEDULE.

MARKS APPROPRIATED FOR HIS MAJESTY'S USE IN OR ON NAVAL AND VICTUALLING STORES.

Section 3.  
1867, No. 9.  
Schedule.

Stores.	Marks.
Hempen cordage and wire rope .. ..	White, black, or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas fearnought hammocks and seamen's bags	A blue line in a serpentine form.
Bunting .. ..	A double tape in the warp.
Candles .. ..	Blue- or red-cotton threads in each wick or wicks of red cotton.
Timber, metal, and other stores not before enumerated	The broad arrow.