

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE ON
THE STATUTES AMENDMENT BILL]

House of Representatives, 21 October 1955

Hon. Mr Marshall

CRIMES AMENDMENT (No. 2)

ANALYSIS

Title.
1. Short Title.

2. Use of force to obtain entry in
execution of search warrant.
Schedule.

A BILL INTITULED

AN ACT to amend the Crimes Act 1908.

Title.

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

5 1. This Act may be cited as the Crimes Amendment Act (No. 2) 1955, and shall be read together with and deemed part of the Crimes Act 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. II, p. 182

Use of force to obtain entry in execution of search warrant.

10 2. (1) Section three hundred and sixty-five of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

15 “(1A) Every such warrant to search any building, ship, carriage, or place shall authorize the constable named therein at any time or times within one month from the date thereof to enter into the building, ship, carriage, or place with such assistants as may be necessary, and, if necessary, to use force for making such entry, whether by

breaking open doors or otherwise; and every such warrant to search any box or receptacle shall authorize the constable named therein to break open the box or receptacle, by force if necessary."

(2) The Third Schedule to the principal Act is hereby amended by repealing form 1, and substituting the form 1 set out in the Schedule to this Act.

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Schedule.

SCHEDULE

FORM OF SEARCH WARRANT

"(1) Search Warrant

"WHEREAS it appears on the oath of C. B. of M. N. that there is reason to suspect that [*Insert description of the things to be searched for, and of the offence in respect of which the search is made*] are in at :

This is therefore to authorize and require you to enter at any time or times within one month from the date hereof between the hours of [*] into the said premises with such assistants as may be necessary, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to search for the said things, and to bring the same before me or some other Justice.

Dated at this day of 19 .

J. S., Justice.

To [*Address to the constable who is to execute the warrant, by his proper title*], of .

*The warrant may be executed between 6 a.m. and 9 p.m., unless the Justice otherwise directs."