

POLICE OFFENCES AMENDMENT BILL

EXPLANATORY NOTE

PART I of this Bill deals with offences relating to sedition. Part II deals with intimidation, including assaults on workers, the unlawful display of certain posters, badges, &c., and picketing.

PART I

SEDITION

Clause 3 prohibits the making or publication, with a seditious intention, of any statement inciting or advocating violence, lawlessness, or disorder, or expressing a seditious intention or having a seditious tendency. "Seditious intention" and "seditious tendency" are defined in *clause 2*.

Clause 4 makes it unlawful for a person to be a party to a seditious conspiracy, that is, an agreement to carry out a seditious intention.

Clause 5 makes it unlawful for any person, with a seditious intention, to print, publish, sell, or distribute, or to have for sale or distribution, or to bring into New Zealand, any document or other matter that incites or advocates violence, lawlessness, or disorder, or that expresses a seditious intention or tendency. *Subclause (2)* provides that proof of possession of any such document or matter is to be proof of possession for sale or distribution, unless the defendant can show that his possession of it was contrary to his desire or was for the purpose of delivering it to the police or a proper authority, or for some other lawful purpose, or that the circumstances raise no reasonable inference that he had it for sale or distribution.

Under *clause 6* a person having possession or control of a printing press or any other apparatus commits an offence if he uses it, or causes or permits it to be used, for printing or publishing anything having a seditious tendency, unless he can show that in so doing he had no seditious intention. Where a person is proved to have been in actual occupation or in charge of any place where there was any such press or apparatus, the burden of proving that the press or apparatus was not in his possession or under his control is on the defendant (*subclause (2)*). If it is also proved that any seditious document was found there or in the possession of the defendant or of any person at that place, and that the document could have been printed or made on or by means of the press or apparatus, those facts are to be proof that the defendant caused or permitted the use of the apparatus, unless he can show that it was not used for the document, or that the document was made without his knowledge or consent, or that the circumstances raise no reasonable inference of his guilt (*subclause (3)*).

Enforcement and Legal Proceedings

Clause 7 provides that persons committing offences under this Part may be arrested without warrant.

Clause 8 authorizes the issue of search warrants by a Justice of the Peace or, in cases of great emergency, by a commissioned officer of Police.

Clause 9 provides for maximum penalties of three months' imprisonment or a fine of £100, or both, on summary conviction before a Magistrate. *Subclause (2)* excludes the usual time limit for laying informations.

The effect of *clause 10* is that bail is not to be allowed on an appeal against a conviction involving imprisonment, unless the Magistrate so directs. An appellant who does not receive bail is then in the same position as an appellant under the Criminal Appeal Act 1945. He is entitled, pending the determination of the appeal, to be treated as a person in custody awaiting trial, or may be admitted to bail by the Supreme Court if it thinks fit.

Clause 11 preserves the liability of an offender to be proceeded against under any other Act, with the exception that he is not to be punished twice for the same offence.

Under *clause 12*, articles seized by a constable under this Part are to be forfeited or returned or disposed of, as the Court directs, or, if no proceedings are taken, returned to their apparent owner when the Attorney-General so directs.

PART II

INTIMIDATION

Clause 14 relates to assaults on workers, and is in substitution for section 201 (b) of the Justices of the Peace Act 1927, which is now out of date.

Clause 15 makes unlawful certain acts of intimidation, including the publication or distribution of insulting or offensive documents, if those acts are done with intent to induce or influence a person, or by reason of his having failed or refused, to stay away from his work or his residence, or to be a party to a strike or a lockout (as defined in *clause 13*). Under *subclause (4)*, proof that the defendant did the act complained of, and that he was a party to or associated with a strike or a lockout, is to be proof that he did the act with the intent or for the reason alleged in the prosecution, unless he can show that the manner and circumstances in which he did the act raise no reasonable inference that it was done with that intent or for that reason. Under *subclause (5)*, proof of possession of any document to which the section applies is to be proof of possession for sale or distribution, unless the defendant can show that his possession of it was contrary to his desire or was for the purpose of delivering it to the police or a proper authority or for some other lawful purpose, or that the circumstances raise no reasonable inference that he had it for sale or distribution.

Clause 16 relates to the display of any words or device intended or likely to result in the victimization or boycotting of any person, or indicating that any person is or was a party to a strike or lockout, or inciting or likely to incite or influence persons to strike or to lock out or to cease work, or likely to expose any person to hatred or contempt amongst the public or any class of persons; and also to the display of any intimidatory, offensive, or insulting words or device (*subclause (3)*). An offence is committed by any person who displays where it

may be seen any banner, placard, sign, badge, card, or other thing bearing any such words or device, or who writes or displays any such words or device on a vehicle, wall, building, road, or footway, or otherwise where it may be seen (*subclauses (1) and (2)*).

Clause 17 gives to members of the Police Force of or above the rank of sergeant the same powers for the prevention of picketing as were given by regulation 14 of the Waterfront Strike Emergency Regulations 1951, if in their opinion the picketing is intended or likely to influence any person to stay away from his work or to stop work, or to be a party to a strike or a lockout.

Clause 18 authorizes a member of the Police Force of or above the rank of sergeant to prohibit a procession or demonstration in, or within view of, a public place, if he is satisfied that it is likely to be injurious to the public safety or to incite anyone to be a party to a strike or a lockout.

Enforcement and Legal Proceedings

Clause 19 provides that persons committing offences under this Part may be arrested without warrant.

Clause 20 authorizes the issue of search warrants by a Justice of the Peace.

Clause 21 provides for maximum penalties of three months' imprisonment or a fine of £100, or both, on summary conviction before a Magistrate. *Subclause (2)* excludes the usual time limit for laying informations.

Clause 22 preserves the liability of an offender to be proceeded against under any other Act, with the exception that he is not to be punished twice for the same offence.

Under *clause 23* articles seized by a constable under this Part are to be forfeited or disposed of or returned, as the Court directs, or, if no proceedings are taken, returned to their apparent owner when the Attorney-General so directs.

Hon. Mr. Webb

POLICE OFFENCES AMENDMENT

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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. This Act may be cited as the Police Offences Amendment Act 1951, and shall be read together with and deemed part of the Police Offences Act 1927 (hereinafter referred to as the principal Act).

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

PART I

SEDITION

Interpretation.

2. (1) In this Part of this Act, unless the context otherwise requires,—

“ Commonwealth ” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible: 5

“ To publish ” means to communicate to the public or to any person or persons, whether in writing, or orally, or by any representation, or by any means of reproduction whatsoever: 10

“ Seditious intention ” means an intention, and “ seditious tendency ” means a tendency,— 15

(a) To bring into hatred or contempt, or to excite disaffection against, His Majesty, or the Government of New Zealand or of any other part of the Commonwealth, or the administration of justice; or 20

(b) To incite the public or any persons or any class of persons to attempt to procure otherwise than by lawful means the alteration of any matter affecting the Constitution, laws, or Government of New Zealand or of any other part of the Commonwealth; or 25

(c) To incite, procure, or encourage violence, lawlessness, or disorder, whether in New Zealand or in any other part of the Commonwealth; or 30

(d) To incite, procure, or encourage the commission, whether in New Zealand or in any other part of the Commonwealth, of any offence that is prejudicial to the public safety or to the maintenance of public order: 35

(e) To excite, whether in New Zealand or in any other part of the Commonwealth, such hostility or ill will between different classes of persons as may endanger the public safety:

5 “Statement” includes words, writing, pictures, or any significant expression or representation whatsoever; and also includes any reproduction, by any means whatsoever, of any statement.

(2) Without limiting any other legal justification, excuse, or defence available to any person charged with an offence against this Part of this Act, it is hereby declared that, for the purposes of this Part, no one shall
10 be deemed to have a seditious intention only because he intends in good faith—

(a) To show that His Majesty has been misled or mistaken in his measures; or

15 (b) To point out errors or defects in the Government or Constitution of New Zealand or of any other part of the Commonwealth, or in the administration of justice; or to incite the public or any persons or any class of persons to attempt to procure by lawful means the alteration of any matter affecting the Consti-
20 tution, laws, or Government of New Zealand or of any other part of the Commonwealth; or

(c) To point out, with a view to their removal, matters producing or having a tendency to
25 produce feelings of hostility or ill will between different classes of persons.

3. Every person commits an offence against this Part of this Act who makes or publishes, or causes or permits to be made or published, any statement—

Seditious statements.

30 (a) That incites, encourages, advises, or advocates violence, lawlessness, or disorder; or

(b) That expresses any seditious intention or has any seditious tendency,—

35 unless he establishes that in doing any such act as aforesaid he had no seditious intention.

4. (1) Every person commits an offence against this Part of this Act who is a party to any seditious conspiracy.

Seditious conspiracy.

40 (2) For the purposes of this section, the expression “seditious conspiracy” means an agreement between two or more persons to carry into execution any seditious intention.

Publication of
seditious
documents.

5. (1) Every person commits an offence against this Part of this Act who—

- (a) Prints, publishes, or sells; or
- (b) Distributes or delivers to the public or to any person or persons; or 5
- (c) Causes or permits to be printed, published, or sold, or to be distributed or delivered as aforesaid; or
- (d) Has in his possession for sale, or for distribution or delivery as aforesaid; or 10
- (e) Brings or causes to be brought or sent into New Zealand,—

any document, statement, advertisement, or other matter that incites, encourages, advises, or advocates violence, lawlessness, or disorder, or that expresses any seditious intention or has any seditious tendency, unless he establishes that in doing any such act as aforesaid he had no seditious intention. 15

(2) On a prosecution in respect of an offence under paragraph (d) of subsection one of this section, proof that the defendant had in his possession any document, statement, advertisement, or matter to which that subsection applies shall be deemed to be proof that he had it in his possession for sale or, as the case may be, for distribution or delivery as aforesaid, unless he establishes— 20 25

- (a) That his having possession of it was contrary to his desire; or
- (b) That he had possession of it for the purpose of delivering it to a constable or to some other proper authority or for any other lawful purpose; or 30
- (c) That the circumstances in which he had it in his possession were such as to raise no reasonable inference that he had it in his possession for sale or, as the case may be, for distribution or delivery as aforesaid. 35

(3) Every document, statement, or advertisement, or any other written or printed matter, in respect of which an offence under this section is committed may be seized by any constable. 40

6. (1) Every person commits an offence against this Part of this Act who, having in his possession or under his control any printing press, or any mechanical, photographic, or electrical apparatus, or any other apparatus whatsoever,—

Use of apparatus for making seditious documents or statements.

(a) Uses it; or

(b) Causes or permits it to be used,—

for printing, making, or publishing, or for facilitating the printing, making, or publishing of, any document, statement, advertisement, or other matter that expresses or will express a seditious intention, or that has or will have a seditious tendency, unless he establishes that in doing any such act as aforesaid he had no seditious intention.

(2) On a prosecution under this section, proof—

(a) That the defendant was in actual occupation or in charge of any place or any premises or any part thereof; and

(b) That any printing press, or any mechanical, photographic, or electrical apparatus, or any other apparatus whatsoever, in respect of which the offence is alleged to have been committed was at that place or, as the case may be, on those premises or in that part—

shall be deemed to be proof that the press or apparatus was in the possession or under the control of the defendant, unless the contrary is proved.

(3) On a prosecution in respect of an offence under paragraph (b) of subsection one of this section, proof—

(a) That any such press or apparatus as aforesaid was in the possession or under the control of the defendant at any place or on any premises or any part thereof; and

(b) That any document, statement, advertisement, or matter in respect of which the offence is alleged to have been committed was at that place or, as the case may be, on those premises or in that part, or was in the possession of the defendant, or was in the possession of any person at that place or on those premises; and

- (c) That the document, statement, advertisement, or matter could have been printed or made on or by means of that press or apparatus,— shall be deemed to be proof that the defendant did the act alleged to have been done, unless he establishes— 5
- (d) That the document, statement, advertisement, or matter was not printed or made on or by means of that press or apparatus; or
- (e) That the document, statement, advertisement, or matter was printed or made without his knowledge or consent; or 10
- (f) That the circumstances of the case were such as to raise no reasonable inference that he did that act.

Enforcement and Legal Proceedings

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Power to arrest.

7. Any person who commits an offence against this Part of this Act may be arrested without warrant by any constable.

Search warrants.

8. (1) If a Justice of the Peace is satisfied on oath that there is reasonable ground for suspecting that there is on any premises or place any document or matter, or any printing press or apparatus, in respect of or in connection with which an offence against this Part of this Act has been or is about to be committed, he may grant a search warrant authorizing any constable named therein to enter at any time, with such assistants as may be necessary, any premises or place specified in the warrant, by force if necessary, and to search the premises or place and every person found therein, and to seize any document, matter, printing press, or apparatus, or anything which is evidence of an offence against this Part of this Act having been or being about to be committed, which he may find on the premises or place or on any such person, and in respect of or in connection with which he has reasonable ground for suspecting that an offence against this Part of this Act has been or is about to be committed. 25 30 35

(2) Where it appears to a commissioned officer of the Police Force that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order signed by him give to any constable the like authority as may be given by the warrant of a Justice under this section. 40

9. (1) Every person who commits an offence against this Part of this Act shall be liable on summary conviction before a Magistrate to imprisonment for a term not exceeding three months or to a fine not exceeding

5 one hundred pounds, or to both.

(2) Section fifty of the Justices of the Peace Act 1927 shall not apply with respect to any prosecution for an offence against this Part of this Act.

Penalty for offences.

See Reprint of Statutes, Vol. II, p. 365

10. (1) Notwithstanding anything to the contrary in any other Act, but subject to the provisions of subsection *two* of this section, no person convicted of an offence against this Part of this Act and sentenced to a term of imprisonment shall be admitted to bail by reason of and during the pendency of an appeal under Part IX or Part X of the Justices of the Peace Act 1927, unless

Admission of appellant to bail, and custody during appeal.

15 the Magistrate so directs.

(2) Where on any such appeal the appellant is not admitted to bail by the Magistrate, a warrant in execution of the conviction shall be issued, notwithstanding

20 anything in the said Act, and—

(a) The provisions of section fourteen of the Criminal Appeal Act 1945 shall, as far as they are applicable and with the necessary modifications, apply as if references therein to the Court of Appeal were references to the Supreme Court, and as if references to the Supreme Court were references to the Magistrate:

1945, No. 23

25 (b) The appellant shall, pending the determination of his appeal, be treated in the same manner as a prisoner before trial, and the provisions of the regulations for the time being in force under the Prisons Act 1908 relating to the matters specified in the said section fourteen shall, as far as they are applicable and with the necessary modifications, apply accordingly.

See Reprint of Statutes, Vol. VI, p. 966

30 11. Nothing in this Part of this Act shall be so construed or shall so operate as to take away or restrict the liability of any person for any offence punishable

35 40 independently of this Part, but no person shall be punished twice for the same offence.

Penal provisions of other Acts not affected.

Disposal
of things
seized under
this Part.

12. (1) Where any thing is seized by any constable under this Part of this Act, it may be retained under the custody of a commissioned officer of the Police Force until the conclusion of any proceedings relating thereto, or, if no such proceedings are taken, until such time as the Attorney-General directs that it be returned to a person appearing to him to be entitled thereto. 5

(2) In any proceedings relating to any thing so seized, the Court shall, on application being made in that behalf, whether the defendant is convicted or not, order— 10

(a) That the thing be forfeited to the Crown; or

(b) That it be returned to a person appearing to the Court to be entitled thereto; or

(c) That it be disposed of in such manner as the Court directs. 15

(3) Where it is ordered that any thing be forfeited to the Crown, it shall be disposed of in such manner as the Attorney-General directs.

PART II

20

INTIMIDATION

Interpretation.

13. In this Part of this Act, unless the context otherwise requires,—

“ Act ” includes any act of omission as well as any act of commission: 25

“ Lockout ” means—

(a) The act of an employer—

(i) In closing his place of business, or suspending or discontinuing his business in any branch thereof; or 30

(ii) In discontinuing the employment of any workers, whether wholly or partially; or

(iii) In breaking his contracts of service; or 35

(iv) In refusing or failing to engage workers for any work for which he usually employs workers:

(b) Any other transaction in the nature of a lockout or combination, agreement, common understanding, or concerted action, whether express or implied, on the part of any employers relating to or connected with the employment of workers,—

the said act or transaction being intended or having a tendency to interfere with the manufacture, production, output, supply, delivery, or carriage of goods or articles or the carriage of persons in or in connection with any industry or undertaking or otherwise to interfere with the effective conduct of any industry or undertaking:

“ To publish ” means to communicate to the public or to any person or persons, whether in writing, or orally, or by any representation, or by any means of reproduction whatsoever:

“ Statement ” includes words, writing, pictures, or any significant expression or representation whatsoever; and also includes any reproduction, by any means whatsoever, of any statement:

“ Strike ” means the act of any number of workers who are or have been in the employment of the same employer or of different employers—

(a) In discontinuing that employment, whether wholly or partially; or

(b) In breaking their contracts of service; or

(c) In refusing or failing after any such discontinuance to resume or return to their employment; or

(d) In refusing or failing to accept engagement for any work in which they are usually employed; or

(e) In reducing their normal output or their normal rate of work,—

the said act being due to any combination, agreement, common understanding, or concerted action, whether express or implied, on the part of any workers, and being intended or having a tendency to interfere with the

manufacture, production, output, supply, delivery, or carriage of goods or articles or the carriage of persons in or in connection with any industry or undertaking or otherwise to interfere with the effective conduct of any industry or undertaking. 5

Assaults on workers.

14. (1) Every person commits an offence against this Part of this Act who—

(a) Forcefully hinders or prevents any person from working at or exercising his lawful trade, business, or occupation; 10

(b) Assaults any person with intent to hinder or prevent him from working at or exercising his lawful trade, business, or occupation.

Repeal.
See Reprint of Statutes, Vol. II, p. 409

(2) Paragraph (b) of section two hundred and one of the Justices of the Peace Act 1927 is hereby repealed. 15

Intimidation.

15. (1) Every person commits an offence against this Part of this Act who, with intent to compel, induce, or influence any other person to do any act to which this section applies, or by reason of that other person refusing or failing to do any such act, or by reason of that other person having refused or failed, whether before or after the passing of this Act, to do any such act,— 20

(a) Uses violence to or intimidates that other person or his wife, child, or parent; or 25

(b) Uses, either orally or in writing, any threatening, intimidatory, offensive, or insulting words to that other person or to his wife, child, or parent; or

(c) Destroys or damages any property of that other person or of his wife, child, or parent; or 30

(d) Hides any tools, clothes, or other property owned or used by that other person, or deprives him of or hinders him in the use thereof; or

(e) Watches or besets any premises or place where that other person resides, or works, or carries on any trade, business, or occupation, or where that other person happens to be, or the approach to any such premises or place as aforesaid; or 35

(f) Follows that other person about from place to place; or 40

(g) Follows that other person with any other person or persons in a disorderly manner in or through any road or street.

(2) Every person commits an offence against this Part of this Act who, with any such intent or for any such reason as aforesaid,—

(a) Prints, publishes, or sells; or

(b) Distributes or delivers to the public or to any person or persons; or

10 (c) Causes or permits to be printed, published, or sold, or to be distributed or delivered as aforesaid; or

(d) Has in his possession for sale, or for distribution or delivery as aforesaid,—

15 any document, statement, advertisement, or other matter that is intended or likely to expose any other person, or any class of persons to which that other person belongs, to hatred or contempt amongst the public or any class of persons, or that contains in relation to that person, or any class of persons to which he belongs, any threatening, intimidatory, offensive, or insulting words.

(3) The acts to which this section applies are—

(a) To refrain from or to cease working in any employment or doing any work; or

25 (b) To refrain from going to or attending or leaving any dwellinghouse or residential premises, or any premises or place where any trade, business, or occupation is lawfully carried on; or

30 (c) To be a party or continue to be a party to a strike or a lockout.

(4) Where in any prosecution under this section it is alleged that the defendant did anything specified in subsection *one* or subsection *two* of this section with any intent or for any reason so specified, proof that the defendant did that thing, and that—

(a) He was usually working in any employment, or engaged in any work, in respect of which a strike or a lockout existed; or

40 (b) He was a party to a strike or a lockout; or

(c) He was a member of any class of persons being parties to or associated with any strike or lockout; or

- (d) He was supporting or associated with, or was a member of any class of persons supporting or associated with, any party or parties to a strike or a lockout,—

shall be deemed to be proof that he did that thing with the intent or for the reason so alleged, unless he establishes that the manner and circumstances in which he did the thing that is proved were such as to raise no reasonable inference that he did that thing with that intent or for that reason. 5

(5) On a prosecution in respect of an offence under paragraph (d) of subsection *two* of this section, proof that the defendant had in his possession any document, statement, advertisement, or matter to which that subsection applies shall be deemed to be proof that he had it in his possession for sale or, as the case may be, for distribution or delivery as aforesaid, unless he establishes— 10

(a) That his having possession of it was contrary to his desire; or 20

(b) That he had possession of it for the purpose of delivering it to a constable or to some other proper authority, or for any other lawful purpose; or

(c) That the circumstances in which he had it in his possession were such as to raise no reasonable inference that he had it in his possession for sale or, as the case may be, for distribution or delivery as aforesaid. 25

(6) Every document, statement, or advertisement, or any other written or printed matter, in respect of which an offence under this section is committed may be seized by any constable. 30

16. (1) Every person commits an offence against this Part of this Act who— 35

(a) Displays, or drives or causes to be driven any vehicle displaying; or

(b) Carries or wears so that it may be seen by any other person; or

(c) Affixes in any place where it may be seen by any other person,— 40

any banner, placard, sign, badge, card, or other thing which contains or bears any words or device to which this section applies.

Unlawful
display of
posters,
badges, &c.

(2) Every person commits an offence against this Part of this Act who writes or prints or displays, or causes to be written or printed or displayed, on any vehicle, wall, fence, erection, road, street, or footway, or otherwise where it may be seen by any other person, any words or device to which this section applies.

(3) This section applies to—

- (a) Any words or device intended or likely to result in or facilitate the victimization of any person or any class of persons, or to result in any person being prevented from or hindered in doing any act that he has a legal right to do:
- (b) Any words or device intended or likely to result in or facilitate the boycotting of any person or any class of persons in relation to any trade, business, or occupation, or to cause any substantial interference with the trade or business of any person or any class of persons:
- (c) Any words or device indicating that any person is or was, whether before or after the passing of this Act, a party to a strike or a lockout:
- (d) Any words or device indicating that any class or classes of persons are or were, whether before or after the passing of this Act, parties to a strike or a lockout:
- (e) Any words or device inciting or encouraging, or intended or likely to incite or encourage, any person or any class of persons or persons in general to be or continue to be a party or parties to a strike or a lockout:
- (f) Any words or device intended or likely to influence any person to refrain from or to cease working in any employment or doing any work:
- (g) Any words or device intended or likely to expose any person, or any class of persons, in any trade, business, or occupation, to hatred or contempt amongst the public or amongst any class of persons, whether engaged in the same or any other trade, business, or occupation:
- (h) Any threatening, intimidatory, offensive, or insulting words or device relating to any person or any class of persons.

(4) Every vehicle, banner, placard, sign, badge, card, or other thing, or any written or printed matter, in respect of which an offence under this section is committed may be seized by any constable.

Picketing.

17. (1) In this section, the term “ constable ” means any member of the Police Force of or above the rank of sergeant. 5

(2) Where in the opinion of a constable the presence of any person on any road or street, land, premises, or place is intended or likely to influence any other person— 10

(a) To refrain from or to cease working in any employment or doing any work; or

(b) To be a party or continue to be a party to a strike or a lockout,—

that constable may give to the first-mentioned person 15 such oral directions as the constable considers necessary in the circumstances, including a direction to remove himself forthwith from the road or street, land, premises, or place where he then is to such reasonable distance as the constable considers necessary, or both a direction so 20 to remove himself and a direction to remain at such reasonable distance from the road or street, land, premises, or place as may be specified by the constable.

(3) A constable may form an opinion as aforesaid from the circumstances of the case, and in any prosecution 25 for failure to comply in any respect with the requirements of a direction given by him by reason of his having formed that opinion it is immaterial whether or not the evidence establishes that any particular person was intended or likely to be influenced as aforesaid. 30

(4) Where an opinion under subsection *two* of this section is formed by a constable in respect of two or more persons present on any road or street, land, premises, or place, any direction authorized by that subsection may be given to those persons collectively. 35

(5) Any constable may direct any person not to enter or remain upon or in any specified land, premises, or place or loiter in the vicinity of any specified land, premises, or place, whether or not that person is on or in the vicinity of the land, premises, or place when the 40 direction is given.

(6) The provisions of this section shall not empower a constable to direct an occupant of a dwellinghouse to remove himself from that dwellinghouse, but shall apply and extend so as to empower a constable to give an 45

occupant of a dwellinghouse all such directions as that constable considers necessary to ensure that the occupant will not offend against this section at any time when he is present in or on that dwellinghouse or the land appurtenant thereto.

(7) Except as limited by subsection *six* of this section, the provisions of this section shall apply and extend to and in respect of all persons present in or on any roads, streets, land, premises, or places, including in the case of any land, premises, or place the owner or occupier thereof and a person present therein or thereon, whether by invitation or not.

(8) Every person commits an offence against this Part of this Act who fails to comply in any respect with the requirements of a direction given to him under this section.

18. (1) If a member of the Police Force of or above the rank of sergeant is satisfied that the holding or continuance of any procession or demonstration in or in view of a public place within the meaning of section forty of the principal Act is likely to be injurious to the public safety or to incite or influence any person to be or to continue to be a party to a strike or a lockout, he may prohibit the holding or continuance of the procession or demonstration.

Processions and demonstrations.

(2) Where the holding or continuance of any procession or demonstration is prohibited under this section, every person commits an offence against this Part of this Act who advises, encourages, organizes, conducts, leads, or takes part in the procession or demonstration, or who, being present at the procession or demonstration, continues to be present thereat after being requested by a constable to leave.

Enforcement and Legal Proceedings

19. Any person who commits an offence against this Part of this Act may be arrested without warrant by any constable.

Power to arrest.

20. If a Justice of the Peace is satisfied on oath that there is reasonable ground for suspecting that there is on any premises or place any document or matter, or any printing press or apparatus, in respect of or in connection with which an offence against this Part of this Act has been or is about to be committed, he may grant

Search warrants.

a search warrant authorizing any constable named therein to enter at any time, with such assistants as may be necessary, any premises or place specified in the warrant, by force if necessary, and to search the premises or place and every person found therein, and to seize any document, matter, printing press, or apparatus, or anything which is evidence of an offence against this Part of this Act having been or being about to be committed, which he may find on the premises or place or on any such person, and in respect of or in connection with which he has reasonable ground for suspecting that an offence against this Part of this Act has been or is about to be committed. 5 10

Penalty for offences.

21. (1) Every person who commits an offence against this Part of this Act shall be liable on summary conviction before a Magistrate to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both. 15

See Reprint of Statutes, Vol. II, p. 365

(2) Section fifty of the Justices of the Peace Act 1927 shall not apply with respect to any prosecution for an offence against this Part of this Act. 20

Penal provisions of other Acts not affected.

22. Nothing in this Part of this Act shall be so construed or shall so operate as to take away or restrict the liability of any person for any offence punishable independently of this Part, but no person shall be punished twice for the same offence. 25

Disposal of things seized under this Part.

23. (1) Where any thing is seized by any constable under this Part of this Act, it may be retained under the custody of a commissioned officer of the Police Force until the conclusion of any proceedings relating thereto, or, if no such proceedings are taken, until such time as the Attorney-General directs that it be returned to a person appearing to him to be entitled thereto. 30

(2) In any proceedings relating to any thing so seized, the Court shall, on application being made in that behalf, whether the defendant is convicted or not, order— 35

- (a) That the thing be forfeited to the Crown; or
- (b) That it be returned to a person appearing to the Court to be entitled thereto; or 40
- (c) That it be disposed of in such manner as the Court directs. 45

(3) Where it is ordered that any thing be forfeited to the Crown, it shall be disposed of in such manner as the Attorney-General directs. 45