

Vagrant Act 1866 Amendment Act 1882

Public Act 1882 No 9
Date of assent 7 August 1882

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An Act to amend “The Vagrant Act, 1866.”

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

1 Short Title.

The Short Title of this Act is “The Vagrant Act 1866 Amendment Act, 1882.”

2 Penalty for exposure of person.

Where any male person is accused or charged under subsection five of section four of “The Vagrant Act, 1866,” of or with wilfully and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, such person shall be brought before a Resident Magistrate or two or more Justices of the Peace; and if such Resident Magistrate or Justices of the Peace, after hearing the *primâ facie* case against such person, be of opinion that such person, if proved guilty, can be sufficiently punished under the said “Vagrant Act, 1866,” the said Resident Magistrate or Justices may deal with the case summarily; but if such Resident Magistrate or Justices consider that the offence is one which, if proved, would be deserving of additional punishment, then the person so charged may be committed for trial as for an indictable offence, in the ordinary way, to the next sittings of

the nearest Court of competent jurisdiction; and upon the conviction of such person before the said Court he may, in addition to the whole or any part of the punishment provided for under the said Act, be ordered to be once or twice privately whipped, subject to the following conditions:—

- (a.) The number of strokes shall not exceed twenty-five at each such whipping, and the Court, in its sentence, shall specify the number of strokes to be inflicted and the instrument to be used.
- (b.) In no case shall such whipping take place after the expiration of six months from the passing of the sentence.
- (c.) In all cases where the punishment of whipping is inflicted under the authority of this Act, the surgeon or medical officer of the gaol in which the offender is confined shall be present when the said punishment is inflicted; and such surgeon or medical officer, if he be of opinion that the prisoner is not at any time able to bear the whole or any part of the said punishment so awarded, may from time to time order the infliction of the whole or any part of the said punishment to be postponed, and shall, within seven days after the making of any such order, send a report in writing, stating his reasons for making such order, to the Colonial Secretary.