

Version
as at 28 October 2021



Boxing and Wrestling Act 1981

Public Act 1981 No 28
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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Internal Affairs.

An Act to make better provision for regulating the promotion and conduct of boxing and wrestling contests, and to abolish the regulation of certain amateur wrestling contests

1 Short Title and application

- (1) This Act may be cited as the Boxing and Wrestling Act 1981.
- (2) Nothing in this Act shall apply to any amateur wrestling contest promoted or conducted by the New Zealand Amateur Wrestling Union (Incorporated) (or its successor in title) or any association affiliated to it.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

association means any club or other body of persons (whether corporate or unincorporate) who have joined together with the intention of promoting or conducting a contest

boxing or wrestling means those forms of physical combat commonly known as boxing or, as the case may be, wrestling; but does not include any of those forms of physical combat commonly known as the Asian martial arts

contest means a boxing contest or a wrestling contest, as the case may require, being any boxing or wrestling match, competition, or exhibition to which a charge is made for admission or at which a collection is taken up, or at which those present are invited or permitted to contribute money or to throw money into the ring or to otherwise deposit it in the building where the contest is held or elsewhere, or on the result of which any stake, payment, or prize depends

Minister means the Minister of Internal Affairs.

- (2) Nothing in this Act shall be construed as limiting or affecting the provisions of the Gambling Act 2003.

Compare: 1927 No 35 ss 64, 72; 1956 No 57, s 5

Section 2(2): amended, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

3 Permit for contest

- (1) No contest shall be promoted or conducted except in pursuance of a permit granted by a constable who is of or above the level of position of inspector of the district in which it is to be so promoted or conducted.
- (2) Such a permit may be granted, upon application, only to an association approved for that purpose by the Minister pursuant to section 4.

Compare: 1927 No 35 s 65(1), (2); 1965 No 7 s 6

Section 3: amended, on 1 October 2008, pursuant to section 116(b) of the Policing Act 2008 (2008 No 72).

4 Approval of associations

- (1) An association may make application to the Minister to be approved for the promotion or conduct of contests.
- (2) Every application shall be made by a duly authorised member, officer, or agent of the association, and shall be accompanied by the prescribed fee (if any) and by 2 copies, or such other number of copies as may be prescribed, of—
 - (a) the names and addresses of the members of the executive committee, board of directors, or other governing body, and of the officers engaged in the management of the association:
 - (b) the constitution, articles, or rules, or proposed constitution, articles, or rules, of the association:
 - (c) the rules under which it is proposed to promote or conduct contests:
 - (d) such other information as the Minister thinks necessary to assist him in considering the application.
- (3) In considering any application under subsection (1), the Minister may have regard to—
 - (a) the suitability of the constitution, articles, or rules, or proposed constitution, articles, or rules, of the association, subject to any regulations made under this Act:
 - (b) the suitability of the rules under which it is proposed to promote or conduct contests, subject to any regulations made under this Act:
 - (c) any recommendations made by the Commissioner of Police in relation to the application:
 - (d) such other matters as he considers relevant.
- (4) The Minister may approve or refuse to approve any association for the purposes of this Act; and any approval granted under this section may be withdrawn at any time where, in the opinion of the Minister, the public interest requires it, or where the association no longer acts as an association or has been wound up or dissolved or is convicted of an offence against this Act or regulations made under it.

Compare: 1927 No 35 s 65(3), (4); 1965 No 7 s 6

5 Change in rules

- (1) Where any association that has been approved by the Minister pursuant to section 4 proposes to change its constitution, articles, or rules, or the rules under which contests are promoted or conducted by it, it may submit to the Minister 2 copies of the proposed changes; and the Minister shall indicate whether or not, if the changes were to be made, he would continue his approval of the association for the purposes of this Act, or, as the case may require, he may suggest any amendments to the proposal which would be required for him to continue his approval.

- (2) Where any association has made any change to its constitution, articles, or rules, or to the rules under which contests are promoted or conducted by it, the association shall submit forthwith to the Minister 2 copies in writing of the changes as adopted by the association and certified by its principal officer accordingly.
- (3) Upon receiving notification under subsection (2) of a change in the constitution, articles, or rules of the association, or the rules under which contests are promoted or conducted by it, the Minister may continue or withdraw his approval of the association for the purposes of this Act.
- (4) Where any association fails to submit notice of any change made to its constitution, articles, or rules, or to the rules under which contests are promoted or conducted by it, as required under subsection (2), the Minister may withdraw his approval of the association for the purposes of this Act.

6 Conduct of contest

- (1) Every contest shall be conducted in accordance with the rules submitted under section 4(2) (as changed, as the case may be, under section 5) by the association (being an association approved by the Minister) on whose application the permit for the contest was granted, and also in accordance with any regulations made under this Act.
- (2) A copy of the permit granted shall be posted up in a conspicuous position at the main entrance of the building or other place in which the contest is conducted.

Compare: 1927 No 35 ss 66, 67

7 Offences

- (1) Every person commits an offence against this Act who promotes or conducts, or is engaged in, any contest in respect of which any of the provisions of this Act are not complied with.
- (2) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Compare: 1927 No 35 s 68

8 Penalty for offences

Every person who commits an offence against this Act is liable on conviction to a fine not exceeding \$1,000.

Compare: 1927 No 35 s 68; 1967 No 154 s 2(1)

Section 8: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Search warrants

- (1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant if, on an application made by a constable in the manner provided in subpart 3 of Part 4 of that Act, he or she is satisfied that there are reasonable grounds for believing that on any premises a contest is being conducted in breach of this Act or any regulations made under it.
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subparts 2, 5, 6, and 8) apply.

Section 9: replaced, on 1 October 2012, by section 205 of the Search and Surveillance Act 2012 (2012 No 24).

10 Police may arrest persons found on premises

In any case to which section 9 applies, the constable executing the warrant or any of his assistants may, without further warrant, arrest any person found on the premises if he has reasonable ground to believe that that person is committing or has committed an offence against this Act or any regulations made under it.

Compare: 1927 No 35 s 70; 1977 No 84 s 118

Section 10: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

11 Regulations

- (1) The Governor-General may, from time to time by Order in Council, make regulations for all or any of the following purposes:
 - (a) prescribing the constitution, articles, rules, powers, or functions of associations generally;
 - (b) prescribing fees payable by an association in respect of any application made under this Act;
 - (c) prescribing rules for the promotion or conduct of contests;
 - (d) prescribing offences in respect of contravention of or non-compliance with any regulations made under this Act; and prescribing penalties not exceeding the amount specified in section 8 in respect of any offences prescribed under this paragraph;
 - (e) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1927 No 35 s 71

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 11(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2020 No 7).

12 Repeals, amendment, revocation, and savings

- (1) The enactments specified in the Schedule are hereby repealed.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) The Boxing and Wrestling Regulations 1958, Amendment No 2 is hereby consequentially revoked.
- (4) Without limiting anything in the Acts and Regulations Publication Act 1989, the Boxing and Wrestling Regulations 1958 shall, notwithstanding the repeal of section 71 of the Police Offences Act 1927 by subsection (1), continue in force and have the same effect and may be amended as if they had been made pursuant to section 11 of this Act except so far as section 1(2) of this Act excludes their application.
- (5) Every club or association which, as at the commencement of this Act, is approved by the Minister pursuant to the Police Offences Act 1927 to hold or conduct a boxing contest or a wrestling contest shall—
 - (a) be deemed to be an association approved for the purposes of this Act; and
 - (b) be deemed to have an approved constitution, articles, or rules, and rules under which contests are promoted or conducted by it,—
 as at the day this Act comes into force.

Section 12(4): amended, on 1 November 1999, pursuant to section 38(1) of the Interpretation Act 1999 (1999 No 85).

Schedule
Enactments repealed

s 12(1)

Police Offences Act 1927 (1927 No 35) (Reprinted 1973, Vol 2, p 1577)

Amendment(s) incorporated in the Act(s).

Police Offences Amendment Act 1956 (1956 No 57) (Reprinted 1973, Vol 2, p 1639)

Amendment(s) incorporated in the Act(s).

Police Offences Amendment Act 1965 (1965 No 7) (Reprinted 1973, Vol 2, p 1641)

Amendment(s) incorporated in the Act(s).

Police Offences Amendment Act 1967 (1967 No 154) (Reprinted 1973, Vol 2, p 1642)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87) (Reprinted 1975, Vol 4, p 3107)

Amendment(s) incorporated in the Act(s).

Notes

1 *General*

This is a consolidation of the Boxing and Wrestling Act 1981 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Search and Surveillance Act 2012 (2012 No 24): section 205

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): section 116(a)(ii), (b)

Gambling Act 2003 (2003 No 51): section 374

Interpretation Act 1999 (1999 No 85): section 38(1)