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Flags, Emblems, and Names Protection Act 1981

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry for Culture and Heritage and Ministry of Justice.

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An Act to declare the New Zealand Ensign to be the New Zealand Flag and to make provision relating to its use and to the use of certain other flags, and to make better provision for the protection of certain names and emblems of Royal, national, international, commercial, or other significance

1 Short Title and commencement

- (1) This Act may be cited as the Flags, Emblems, and Names Protection Act 1981.
- (2) This Act shall come into force on 1 January 1982.

2 Interpretation

In this Act, unless the context otherwise requires,—

coat of arms or **arms** means any object or figure, being a symbolic representation displayed in colours on a shield in conformity with the principles and rules of heraldry, with or without any crown, helmet, mantling, supporters, motto, or other accessories

emblem means any device, seal, mark, trade mark, badge, symbol, design, logotype, or other distinctive sign of identification; and includes any representation thereof, whether on any flag, banner, sign, or other printed or written material, or by way of any pictorial representation or other visual image, or otherwise

government department means any department, office, corporation, agency, or instrument of any kind of the legislative or executive or judicial Government of New Zealand; and includes any officer of the Crown

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Ministry means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

the New Zealand Red Ensign means the red ensign usually worn by merchant ships registered in the United Kingdom, with the addition on the fly thereof of the Southern Cross as represented by four 5-pointed white stars

the New Zealand White Ensign means the flag described in the Schedule of the New Zealand White Ensign Regulations 1968 (SR 1968/93)

proper name, in relation to any town or road or other place, means the name assigned or approved in respect of that place by the New Zealand Geographic Board or the Surveyor-General or a territorial authority under any Act

registering authority includes—

- (a) the Registrar of Incorporated Societies under the Incorporated Societies Act 1908:
- (b) the Registrar of Industrial and Provident Societies under the Industrial and Provident Societies Act 1908:
- (c) the Registrar of Trade Unions under the Trade Unions Act 1908:
- (d) the Registrar of Friendly Societies and Credit Unions under the Friendly Societies and Credit Unions Act 1982:
- (e) the Commissioner of Designs under the Designs Act 1953:
- (f) the Commissioner of Patents under the Patents Act 2013:
- (g) the Commissioner of Trade Marks under the Trade Marks Act 2002:
- (h) the Registrar of Companies under the Companies Act 1993:
- (i) the Registrar of Incorporated Societies under Part 2 of the Charitable Trusts Act 1957:
- (j) the Registrar of Building Societies under the Building Societies Act 1965:
- (k) the Registrar of Unions under the Employment Relations Act 2000;—

and also includes any other officer acting on behalf of any officer referred to in any of paragraphs (a) to (k)

representation, in relation to any emblem or coat of arms, means any printed or other visual representation of the emblem or coat of arms

Royal means relating to Her Majesty or any other member of the Royal Family

the Royal New Zealand Air Force Ensign means the flag described in the notice published in the *Gazette* on 14 September 1939 at page 2496 under the heading Royal New Zealand Air Force Ensign.

Section 2 **Minister**: replaced, on 22 October 2003, by section 3(1) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

Section 2 **Ministry**: inserted, on 22 October 2003, by section 3(2) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

Section 2 **registering authority** paragraph (d): replaced, on 22 October 2003, by section 3(3) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

Section 2 **registering authority** paragraph (f): amended, on 13 September 2014, by section 249 of the Patents Act 2013 (2013 No 68).

Section 2 **registering authority** paragraph (g): amended, on 20 August 2003, by section 201 of the Trade Marks Act 2002 (2002 No 49).

Section 2 **registering authority** paragraph (h): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 2 **registering authority** paragraph (k): replaced, on 22 October 2003, by section 3(3) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

3 Act to bind Crown

This Act binds the Crown.

4 Administration of Act

(1) This Act, except section 20, shall be administered by the Ministry.

(2) Section 20 shall be administered by the Ministry of Justice.

Section 4(1): amended, on 22 October 2003, by section 4(1) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

Section 4(2): amended, on 22 October 2003, by section 4(2) of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

Part 1

The New Zealand Flag and Ensigns

5 New Zealand Ensign declared to be New Zealand Flag

(1) The flag hitherto known as the New Zealand Ensign, being the flag depicted in Schedule 1, is hereby declared to be the New Zealand Flag.

(2) The New Zealand Flag shall be the symbol of the Realm, Government, and people of New Zealand.

(3) The New Zealand Flag—

(a) shall be the national flag of New Zealand for general use on land within New Zealand and, where appropriate for international purposes, overseas:

(b) shall be the proper national colours to be worn by all New Zealand Government ships, and by such other New Zealand ships as may for the time being be authorised to wear the New Zealand Flag by or under the Ship Registration Act 1992.

Compare: 1952 No 49 s 5(1), (2); Flags Act 1953 s 3 (Aust)

Section 5(3)(b): amended, on 29 October 1992, by section 88(2) of the Ship Registration Act 1992 (1992 No 89).

6 Ensigns of New Zealand

Subject to section 8, nothing in this Part shall derogate from the use ascribed to—

- (a) the New Zealand White Ensign by regulation 2(2) of the New Zealand White Ensign Regulations 1968 (SR 1968/93), which requires that flag to be worn by ships of the New Zealand Naval Forces and flown on naval establishments in accordance with Defence Council Orders issued under the Defence Act 1971:
- (b) the marine flag of New Zealand or the New Zealand Flag by section 58 of the Ship Registration Act 1992:
- (c) the Royal New Zealand Air Force Ensign, by Defence Council Orders issued under the Defence Act 1971.

Section 6(b): replaced, on 29 October 1992, by section 88(2) of the Ship Registration Act 1992 (1992 No 89).

7 Customs flag

Nothing in this Part shall derogate from the use ascribed to the Customs flag by section 8 of the Customs and Excise Act 1996.

Section 7: amended, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

8 Saving of Her Majesty's powers to approve alteration of New Zealand Flag

Nothing in this Part shall limit or affect Her Majesty's powers to approve, or authorise the approval of, the alteration of the New Zealand Flag for any official purposes by the placement thereon of any letter, emblem, or representation.

Compare: Flags Act 1953 s 6 (Aust)

9 Use of alternative flags

- (1) Notwithstanding anything in this Part or in any other Act but subject to subsection (2), the Governor-General may authorise the use on land—
 - (a) of the New Zealand White Ensign instead of the New Zealand Flag where such use would have naval significance; or
 - (b) of the New Zealand Red Ensign instead of the New Zealand Flag where such use would have maritime significance.
- (2) The Governor-General may authorise the use of a flag under subsection (1) only on the joint recommendation of the Minister and—
 - (a) the Minister of Defence if subsection (1)(a) applies; or
 - (b) the Minister of Transport if subsection (1)(b) applies.
- (3) Nothing in this Part or in any other Act shall limit or affect the customary use of the New Zealand Red Ensign (with or without the placement thereon of any letter, emblem, or representation) on places or occasions of Maori significance.

Section 9(2): replaced, on 22 October 2003, by section 5 of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

10 Rules relating to flying of New Zealand Flag

- (1) The Minister may from time to time, either generally or in any particular case, by notice in the *Gazette* or otherwise, in relation to Government land or buildings, prescribe—
 - (a) the days or occasions on which and the times during which the New Zealand Flag shall be flown:
 - (b) the manner in which the New Zealand Flag is to be flown, including the precedence it is to be accorded in relation to other specified flags or classes of flags:
 - (c) without detracting from the general design depicted in Schedule 1, the standard sizes, dimensions, proportions, and colours of the New Zealand Flag for all or any purposes or in all or any circumstances.
- (2) The Minister may, either in any notice issued under subsection (1) or otherwise, set out for general information and guidance rules of conduct and the etiquette to be followed in the flying or other use of the New Zealand Flag; but no such rules shall have the force of law.
- (3) The notice referred to in Part A of Schedule 2, which may hereafter be cited as the New Zealand Flag Notice 1977, shall be deemed for the purposes of this section to have been given under subsection (1).

Compare: Flags Act 1953 s 7 (Aust)

Section 10(1): amended, on 22 October 2003, by section 6 of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

11 Offences involving New Zealand Flag

- (1) Every person commits an offence against this Act who,—
 - (a) without lawful authority, alters the New Zealand Flag by the placement thereon of any letter, emblem, or representation:
 - (b) in or within view of any public place, uses, displays, destroys, or damages the New Zealand Flag in any manner with the intention of dishonouring it.
- (2) In this section **the New Zealand Flag** means any flag of the design depicted in Schedule 1 or of any other design that so closely resembles it as to be likely to cause any person to believe that it is the design depicted in that schedule.
- (3) In any prosecution for an offence against this section the onus of proving that any alteration of the New Zealand Flag was lawfully authorised shall be on the defendant.

Compare: 1952 No 49 s 5(4)

Part 2

Royal, vice-regal, State, and heraldic emblems and names

12 Unauthorised use of Royal and vice-regal emblems

- (1) Every person commits an offence against this Act who, without the authority of Her Majesty or (as the case may require) the Governor-General, displays or exhibits or otherwise uses any representation to which this subsection applies in such a manner as to be likely to cause any person to believe that he does so under the authority, sanction, approval, appointment, or patronage of Her Majesty or the Governor-General.
- (2) Subsection (1) applies to the following:
 - (a) any representation of the Coat of Arms of Her Majesty or any other member of the Royal Family:
 - (b) any representation of any Royal crown or Royal coronet or Royal cypher or Royal badge:
 - (c) any representation of the Royal Standard, or the Sovereign's personal flag for New Zealand:
 - (d) any representation of the Governor-General's flag:
 - (e) any representation that so closely resembles any thing referred to in any of paragraphs (a) to (d) as to be likely to cause any person to believe that it is that thing.
- (3) In any prosecution for an offence against this section the onus of proving that any representation was used with the authority of Her Majesty or the Governor-General shall be on the defendant.
- (4) Nothing in this section shall limit or affect—
 - (a) the Commercial Use of Royal Photographs Rules 1962 (SR 1962/81):
 - (b) section 24 of the Trade Marks Act 2002 (which relates to the representation in trade marks of Her Majesty or any members of the Royal Family).

Section 12(4)(b): replaced, on 20 August 2003, by section 201 of the Trade Marks Act 2002 (2002 No 49).

13 Unauthorised use of State emblems

- (1) Subject to subsection (3), every person commits an offence against this Act who displays or exhibits or otherwise uses any representation to which this subsection applies in such a manner as to be likely to cause any person to believe that he does so under the authority, sanction, approval, appointment, or patronage of Her Majesty's Government, or of any Minister of the Crown, or of any government department.
- (2) Subsection (1) applies to the following:
 - (a) any representation of the Coat of Arms of New Zealand:

- (b) any representation of the Seal of New Zealand:
 - (c) any representation of any emblem or official stamp of any government department:
 - (d) any representation that so closely resembles any thing referred to in any of paragraphs (a) to (c) as to be likely to cause any person to believe that it is that thing.
- (3) Subsection (1) does not apply to the use of any representation—
- (a) authorised by or under any other Act; or
 - (b) with the prior written consent of the Minister; or
 - (c) by an officer of the Crown acting in the course of his official duties.

14 Unauthorised use of words suggesting Royal or government patronage

- (1) Subject to subsection (4), every person commits an offence against this Act who—
- (a) causes any association (whether incorporated or unincorporated) to be formed under any name, title, style, or designation that includes any word or statement to which this subsection applies; or
 - (b) publicly uses in connection with any business, trade, or occupation any word or statement to which this subsection applies.
- (2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation that includes any word or statement to which subsection (1) applies.
- (3) Subsection (1) applies to the following:
- (a) the word Royal:
 - (b) the word Government:
 - (c) any other word or statement that claims or implies the patronage of—
 - (i) Her Majesty or any other member of the Royal Family; or
 - (ii) the Governor-General; or
 - (iii) the House of Representatives; or
 - (iv) the Government; or
 - (v) any Minister of the Crown; or
 - (vi) any government department:
 - (d) any word or statement that claims or implies connection with any society or body incorporated by Royal Charter.
- (4) Subsection (1) does not apply to the use of any word or statement—
- (a) expressly authorised by or under any other Act, or by—

- (i) Her Majesty or the Governor-General in any case to which paragraph (a) of subsection (3) applies; or
 - (ii) Her Majesty, in any case to which subparagraph (i) of paragraph (c) of that subsection applies; or
 - (iii) the Governor-General, in any case to which subparagraph (ii) of that paragraph applies; or
 - (iv) the Speaker of the House of Representatives, in any case to which subparagraph (iii) of that paragraph applies; or
 - (v) the Minister if subsection (3)(b) or (c)(iv) applies; or
 - (vi) the appropriate Minister of the Crown, in any case to which subparagraph (v) or subparagraph (vi) of paragraph (c) of subsection (3) applies; or
- (b) that comprises the whole or part of the proper name of any town or road or other place, and that name is or is to be used in full by the association or (as the case may be) the person engaging in the business, trade, or occupation; or
- (c) that is the surname (not being a surname taken or used for the purpose of defeating the intention of this section) of a foundation member of the association or (as the case may be) of the person engaging in the business, trade, or occupation.

Section 14(4)(a)(v): replaced, on 22 October 2003, by section 7 of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

15 Advertisements claiming government patronage

- (1) Without limiting section 14, every person (in this subsection called the **advertiser**) commits an offence against this Act who publishes or causes to be published any advertisement that is likely to cause any person to believe, contrary to the fact, that the advertiser—
- (a) has supplied, or is supplying, or is to supply, any goods or services to any government department; or
 - (b) has carried out, or is carrying out, or is to carry out, any work for any government department.
- (2) In this section the term **advertisement** means any words, whether written or printed or spoken, and any pictorial representation or design or device, and any visual image, used to notify the availability or explain the use or promote the sale of any goods or services, or to obtain work.

Part 3

Provisions relating to certain other names, emblems, and words

16 **Unauthorised use of name and emblem of United Nations and other international organisations**

- (1) Every person commits an offence against this Act who displays or exhibits or otherwise uses the name or emblem of the United Nations, or any word or words that incorporate that name or any such abbreviation or variation, without the authority of the Secretary-General of the United Nations.
- (2) The Minister may from time to time, after consultation with any other appropriate Minister, by notice in the *Gazette*, prohibit, regulate, or control the use of any emblem or name of—
 - (a) any specialised agency brought into relationship with the United Nations in pursuance of Article 57 of the Charter of the United Nations; or
 - (b) any other international organisation or authority.
- (3) Every person commits an offence against this Act who uses any name or emblem in contravention of any provision of a notice given under subsection (2).
- (4) In any prosecution for an offence against subsection (1), the onus of proving that the act complained of was done with the authority of the Secretary-General of the United Nations shall be on the defendant.
- (5) The notices specified in Part B of Schedule 2 shall be deemed for the purposes of this section to have been given under subsection (2) and shall continue in force notwithstanding the repeal by the Summary Offences Act 1981 of the Police Offences Act 1927 and section 38 of the Statutes Amendment Act 1948.

Section 16(2): amended, on 22 October 2003, by section 8 of the Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73).

17 **Use of the word Anzac**

- (1) The Governor-General may from time to time, by Order in Council, prohibit, regulate, or control the use in connection with any business, trade, or occupation of the word Anzac or of any other word that so closely resembles the word Anzac as to be likely to deceive or mislead any person.
- (2) Every person commits an offence against this Act who uses the word Anzac or any other word that so closely resembles the word Anzac as to be likely to deceive or mislead any person in contravention of any provision of an order made under subsection (1).
- (3) The notices specified in Part C of Schedule 2 shall be deemed for the purposes of this section to be orders made under subsection (1).

18 Unauthorised use of name Returned Services' Association

- (1) Subject to subsection (3), every person commits an offence against this Act who causes any association (whether incorporated or unincorporated) to be formed—
 - (a) under the name, title, style, or designation of Returned Services' Association or any other name, title, style, or designation that includes those words or the words Returned Services; or
 - (b) under any name, title, style, or designation that contains the initials RSA if the use of that name is likely to lead any person to believe that the association consists of returned servicemen.
- (2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation referred to in paragraph (a) or paragraph (b) of subsection (1).
- (3) Subsections (1) and (2) do not apply to the use of any name, title, style, or designation—
 - (a) with the prior consent of the Governor-General in Council; or
 - (b) by—
 - (i) the Royal New Zealand Returned and Services' Association Incorporated; or
 - (ii) any association whose members include returned servicemen that is a member of or is affiliated to that Association; or
 - (iii) any branch of any such association; or
 - (iv) any association whose members include returned servicemen, current servicemen, or former servicemen and which has been approved for the purposes of this section by the Royal New Zealand Returned and Services' Association Incorporated; or
 - (c) by any association that was registered before the passing of the Police Offences Amendment Act 1956 if the association was formed under the name, title, style, or designation or was using the name, title, style, or designation immediately before the passing of that Act.

Section 18(3)(a): amended, on 15 December 2005, by section 3(a) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

Section 18(3)(b)(i): amended, on 15 December 2005, by section 3(b) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

Section 18(3)(b)(ii): amended, on 15 December 2005, by section 3(c) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

Section 18(3)(b)(iv): amended, on 15 December 2005, by section 3(d) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

Section 18(3)(b)(iv): amended, on 15 December 2005, by section 3(e) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

Section 18(3)(b)(iv): amended, on 15 December 2005, by section 3(f) of the Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102).

18A Unauthorised use of words and emblems relating to 28th Māori Battalion

- (1) Subject to subsection (3), every person commits an offence against this Act who, in any business, trade, or occupation and in order to obtain money (or other property) or credit, displays, exhibits, or otherwise uses any of the following in such a manner as to be likely to cause anyone to believe that the display, exhibition, or use is under the authority, sanction, approval, appointment, or patronage of an association described in subsection (3)(b)(i) or (iii):
- (a) an emblem in Schedule 2A; or
 - (b) an emblem that so closely resembles one of the emblems in Schedule 2A as to be likely to deceive or confuse any person; or
 - (c) any of the following combinations of words:
 - (i) “28th Māori Battalion”;
 - (ii) “28 Māori Battalion”;
 - (iii) “Māori Battalion”;
 - (iv) “28th Māori Battalion Association”;
 - (v) “28th Maori Battalion (NZ) Association Incorporated”;
 - (vi) “Te Ope Hōia Māori 28”;
 - (vii) “Te Ope Taua Māori 28”;
 - (viii) “Te Hokowhitu Māori 28”; or
 - (d) words that so closely resemble the combinations of words quoted in paragraph (c) as to be likely to deceive or confuse any person.
- (2) Subject to subsection (3),—
- (a) every person commits an offence against this Act who causes an incorporated or unincorporated body to be formed under any name, title, style, or designation that includes any of the combinations of words referred to in subsection (1)(c) or (d); and
 - (b) every association (whether incorporated or unincorporated) commits an offence against this Act that carries on its activities under any name, title, style, or designation that includes any of the combinations of words referred to in subsection (1)(c) or (d).
- (3) Subsections (1) and (2) do not apply to the use of any emblem, words, name, title, style, or designation—
- (a) that has been authorised by the Governor-General by Order in Council; or
 - (b) by any of the following:
 - (i) the 28th Maori Battalion (NZ) Association Incorporated; or

- (ii) a person or class of persons or an association that has been approved in writing for the purposes of this section by the 28th Maori Battalion (NZ) Association Incorporated; or
- (iii) any association that has been approved in writing for the purposes of this section by the 28th Maori Battalion (NZ) Association Incorporated as the successor of the 28th Maori Battalion (NZ) Association Incorporated; or
- (iv) a person or class of persons or an association that has been approved in writing for the purposes of this section by the successor of the 28th Maori Battalion (NZ) Association Incorporated referred to in subparagraph (iii).

Section 18A: inserted, on 5 December 2013, by section 4 of the Flags, Emblems, and Names Protection Amendment Act 2013 (2013 No 117).

19 Protection of names, uniforms, etc, of Girl Guides Association and Toc H, Incorporated

- (1) Every person commits an offence against this Act who uses—
 - (a) any name, designation, uniform, or badge to which this subsection applies; or
 - (b) any name, designation, uniform, or badge that so closely resembles any name, designation, uniform, or badge to which this subsection applies in such a manner as to be likely to lead any person to believe that it is such a thing,—

without the authority of the Girl Guides Association or (as the case may require) Toc H, Incorporated.
- (2) Subsection (1) applies to—
 - (a) the name Girl Guides Association and the names, designations, and badges specified in the Schedule of the first order referred to in Part D of Schedule 2:
 - (b) the name Toc H and the button-badge described in paragraph (b) of the second order referred to in Part D of that schedule.
- (3) The orders referred to in Part D of Schedule 2 shall be deemed to have been made under this Act and shall continue to have effect according to their tenor notwithstanding the repeal by section 27 of this Act of the Chartered Associations (Protection of Names and Uniforms) Act 1930.
- (4) The Governor-General may from time to time, by Order in Council made on the advice of the Minister and at the request of the Girl Guides Association or (as the case may require) Toc H, Incorporated,—
 - (a) amend either or both of the orders referred to in Part D of Schedule 2, by adding to or deleting from the order any name, designation, uniform, or badge; or

- (b) revoke either or both of those orders, with or without making another order in substitution therefor.

20 Unauthorised use of certain commercial names

- (1) Subject to subsections (4) to (6), every person commits an offence against this Act who—
 - (a) causes any association (whether incorporated or unincorporated) to be formed under any name, title, style, or designation—
 - (i) that includes any word or name to which this subsection applies; or
 - (ii) that so closely resembles any word or name to which this subsection applies as to be likely to deceive or mislead any person; or
 - (b) publicly uses in connection with any business, trade, or occupation—
 - (i) any word or name to which this subsection applies; or
 - (ii) any word or name that so closely resembles any word or name to which this subsection applies as to be likely to deceive or mislead any person.
- (2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation that includes any word or name to which subsection (1) applies, unless the association has been registered under that name, title, style, or designation in reliance on subsection (5).
- (3) Subsection (1) applies to the following:
 - (a) the word DSIR:
 - (b) the name Department of Scientific and Industrial Research:
 - (c) the word Ruakura:
 - (d) the name Wheat Research Institute:
 - (e) the name New Zealand Soil Bureau:
 - (f) the name New Zealand Oceanographic Institute:
 - (g) the name Soil Conservation Centre:
 - (h) the name Physics and Engineering Laboratory:
 - (i) the name Institute of Nuclear Sciences:
 - (j) the name Dominion Physical Laboratory:
 - (k) the word NECAL:
 - (l) the word NZGS:
 - (m) the name Animal Research Laboratory:
 - (n) the name Agricultural Research Centre:
 - (o) the name Management Consultancy Services:

- (p) the word MAF:
 - (q) the name New Zealand Communicable Disease Centre:
 - (r) the name New Zealand Food Safety Authority:
 - (s) the word NZFSA.
- (4) Subsections (1) and (2) do not apply to the use of any word or name where that use is expressly authorised by or under any other Act or by the Governor-General by Order in Council.
- (5) A registering authority may authorise the registration of any association under any name, title, style, or designation that includes any word or name to which subsection (1) applies if the Registrar is satisfied that—
- (a) the word or name comprises the whole or part of the proper name of any town or road or other place, and that the name is or is to be used in full by the association; or
 - (b) the word or name is the surname (not being a surname taken or used for the purpose of defeating the intention of this section) of a foundation member of the company or incorporated society;—

and, in the context in which it is used or is intended to be used, is not likely to deceive any person.

- (6) Nothing in this section shall prohibit or affect the use by any person of any name, title, style, designation, or word if, immediately before the commencement of this section, that use was expressly authorised by any consent, permission, approval, or authority given by any person lawfully entitled to give it.

Section 20: replaced, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 20(3)(r): added, on 7 July 2010, by section 4 of the Flags, Emblems, and Names Protection Amendment Act 2010 (2010 No 66).

Section 20(3)(s): added, on 7 July 2010, by section 4 of the Flags, Emblems, and Names Protection Amendment Act 2010 (2010 No 66).

20AAA Unauthorised use of King George the Fifth Memorial Children's Health Camps Federation emblem

- (1) In this section, **Foundation** means the charitable trust established by deed dated 31 March 1999 with the name Children's Health Camps—The New Zealand Foundation for Child and Family Health and Development.
- (2) Despite the repeal of section 14 of the Children's Health Camps Board Dissolution Act 1999, the emblem of the King George the Fifth Memorial Children's Health Camps Federation is to be the emblem of the Foundation.
- (3) No person may,—
- (a) for the purposes of sale, apply or cause to be applied to any article the emblem of the Foundation or any colourable imitation of that emblem without the prior written consent of the Foundation; or

- (b) knowing that the emblem of the Foundation or any colourable imitation of that emblem has been applied to any article without the prior written consent of the Foundation, sell that article, cause it to be sold, offer or expose that article for sale, or cause it to be offered or exposed for sale.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding \$2,000.

Section 20AAA: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

20A Unauthorised use of emblems, words, and names relating to Olympic Games and Commonwealth Games

[Repealed]

Section 20A: repealed, on 29 August 2007, by section 83 of the Major Events Management Act 2007 (2007 No 35).

20AA Defence

[Repealed]

Section 20AA: repealed, on 29 August 2007, by section 83 of the Major Events Management Act 2007 (2007 No 35).

20B Injunction for breach of section 20A

[Repealed]

Section 20B: repealed, on 29 August 2007, by section 83 of the Major Events Management Act 2007 (2007 No 35).

Part 4
Miscellaneous provisions

21 Registering authority not to register in certain cases

- (1) Where any Act provides for the registration of any association, then, except as provided in section 20(5) of this Act but notwithstanding anything in that Act, the registering authority shall not register any association under that Act under a name, title, style, or designation if the use by that association of that name, title, style, or designation, or of any word comprising part of that name, title, style, or designation, would constitute an offence against any of the provisions of this Act.
- (2) Where any Act provides for the registration of any emblem, then, notwithstanding anything in that Act, the registering authority shall not register any emblem on the application of any person if the use of that emblem by that person would constitute an offence against any of the provisions of this Act.

22 Existing rights protected

Nothing in this Act shall prohibit or affect the use by any person of any emblem, name, representation, or word if, immediately before the commencement

of this Act, that use was expressly authorised by any consent, permission, approval, or authority given by any person lawfully entitled to give it.

23 Emblems and names protected under other Acts

Nothing in this Act shall limit or affect any of the enactments specified in Schedule 3 relating to the protection of various emblems and names.

24 General penalty

(1) Every person who commits an offence against this Act is liable on conviction,—

- (a) in the case of an individual, to a fine not exceeding \$5,000:
- (b) in the case of a body corporate, to a fine not exceeding \$50,000 and, where the offence is a continuing one, to a further fine not exceeding \$5,000 for every day during which the offence has continued.

(2) This section does not apply to an offence against section 20AAA.

Section 24: replaced, on 19 December 1998, by section 3 of the Flags, Emblems, and Names Protection Amendment Act 1998 (1998 No 121).

Section 24(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 24(2): inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

25 Consent of Attorney-General required to certain prosecutions

No charging document for an offence against any of sections 11 to 15 may be filed without the consent of the Attorney-General.

Section 25: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26 Liability of officers of associations

Where any association (whether incorporated or unincorporated) is guilty of an offence against this Act, every officer or other person concerned in the management of the association shall be guilty of a like offence if it is proved that the act that constituted the offence took place with his authority, permission, or consent, or that he knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

26A Power to amend Schedule 2A

The Governor-General may, from time to time, by Order in Council,—

- (a) amend Schedule 2A by adding, omitting, or amending the specification or description of any emblem, word, or name:
- (b) revoke Schedule 2A or a Part of Schedule 2A and substitute a new Schedule 2A or a new Part of Schedule 2A.

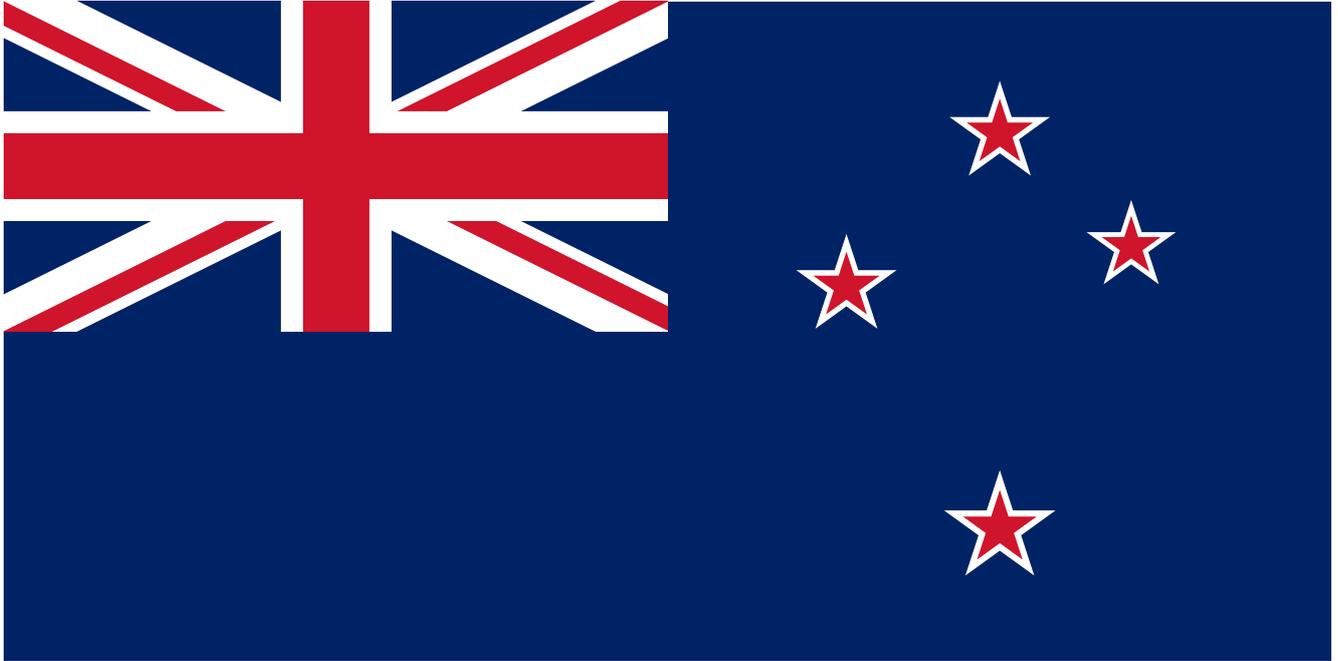
Section 26A: inserted, on 19 December 1998, by section 4 of the Flags, Emblems, and Names Protection Amendment Act 1998 (1998 No 121).

27 Amendments and repeals

- (1) The enactments specified in Schedule 4 are hereby amended in the manner specified in that schedule.
- (2) The enactments specified in Schedule 5 are hereby repealed.

Schedule 1
The New Zealand Flag

s 5(1)



Schedule 2
Orders and notices deemed to have been made or given under this Act

Part A

s 10(3)

Days on Which New Zealand Ensign is to be Flown on Government Buildings (*Gazette* 1977, p 643)

Part B

s 16(5)

ICAO Official Emblem and Seal Notice 1958 (*Gazette* 1958, p 174)

International Atomic Energy Agency Name and Emblem Notice 1961 (SR 1961/93)

International Criminal Police Organisation Name Notice 1962 (SR 1962/69)

Prohibition of Use of Emblem, Official Seal, or Name of the World Health Organisation (*Gazette* 1950, p 8)

United Nations Educational, Scientific and Cultural Organisation Name and Emblem Notice 1966 (SR 1966/12)

World Bank Group Names and Emblems Notice 1966 (SR 1966/13)

World Meteorological Organisation Name and Emblem Notice 1968 (SR 1968/126)

Part C

s 17(3)

Amending Notice as to the Use of the Word “Anzac” (*Gazette* 1916, p 3765)

Prohibiting the Use of the Word “Anzac” (*Gazette* 1916, p 2893)

Part D

s 19(2), (3)

Protection of Names, Badges, etc, of Girl Guides Association (*Gazette* 1931, p 1542)

Protection of Name and Badge of Toc H, Incorporated (*Gazette* 1939, p 2011)

Schedule 2A
Emblems of 28th Maori Battalion (NZ) Association Incorporated

s 18A

Schedule 2A: replaced, on 5 December 2013, by section 5 of the Flags, Emblems, and Names Protection Amendment Act 2013 (2013 No 117).



Schedule 3

Enactments and orders (relating to protection of certain emblems, names, and words) preserved

s 23

Enactment or order	Emblem, name, or words protected
Broadcasting Act 1976: section 15	Broadcasting Corporation of New Zealand
Commonwealth Games Symbol Protection Act 1974	The Xth British Commonwealth Games symbol
Cultural Property (Protection in Armed Conflict) Act 2012: section 36	Distinctive emblem of the Convention for the Protection of Cultural Property in the Event of Armed Conflict
Gambling Act 2003: section 267	New Zealand Lotteries Commission
Gambling Act 2003: section 268	Golden Kiwi
Geneva Conventions Act 1958: section 8	Red Cross or Geneva Cross Red Crescent Red Crystal Red Lion and Sun
Housing Corporation Act 1974: section 43	Housing New Zealand Corporation and Housing Corporation of New Zealand
Local Government Act 1974: section 696	Coats of arms of city, borough, county, district, town, regional, and united councils
Museum of New Zealand Te Papa Tongarewa Act 1992: section 23	Museum of New Zealand, Te Papa Tongarewa, National Art Gallery, National Museum
National War Memorial Act 1992: section 15	National War Memorial, War Memorial, Carillon, and Hall of Memories
New Zealand Antarctic Institute Act 1996: section 11	New Zealand Antarctic Institute, Ross Dependency Research Committee, New Zealand Antarctic Programme
New Zealand Film Commission Act 1978: section 34	New Zealand Film Commission
New Zealand International Convention Centre Act 2013: section 15	New Zealand International Convention Centre, NZICC
Prohibited Marks Order 1957 (SR 1957/179)	Green Cross for Safety symbol
Prohibited Marks Order 1961 (SR 1961/120)	Symbol of the International Olympic Committee

Enactment or order	Emblem, name, or words protected
Prohibited Marks Order 1982 (SR 1982/127) Racing Act 2003: section 24	TELARC New Zealand Racing Board, Totalisator Agency Board, TAB, Racing Conference, New Zealand Thoroughbred Racing, Trotting Conference, Harness Racing New Zealand, and New Zealand Greyhound Racing Association
Returned Services Associations Badge Order 1950 (<i>Gazette</i> 1950, p 1870)	Badge of the Returned Services Associations
Scout Association of New Zealand Amendment Act 1967: section 5	Scout Association
Sport and Recreation New Zealand Act 2002: section 12	Sport and Recreation New Zealand
Tourist Hotel Corporation Act 1974: section 3	Tourist Hotel Corporation of New Zealand

Schedule 3 Building Performance Guarantee Corporation Act 1977: section 37: repealed, on 1 January 1988, by section 2(1)(c) of the Finance Act 1987 (1987 No 200).

Schedule 3 Children's Health Camps Act 1972: section 39: repealed, on 1 April 2000, by section 8 of the Children's Health Camps Board Dissolution Act 1999 (1999 No 141).

Schedule 3 Children's Health Camps Board Dissolution Act 1999: section 14: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Schedule 3 Consumer Council Act 1966: section 35: repealed, on 1 January 1989, by section 9 of the Consumer Council Act Repeal Act 1988 (1988 No 144).

Schedule 3 Cultural Property (Protection in Armed Conflict) Act 2012: inserted, on 1 July 2013, by section 46 of the Cultural Property (Protection in Armed Conflict) Act 2012 (2012 No 118).

Schedule 3 Development Finance Corporation of New Zealand Act 1986: section 13: repealed, on 23 September 1988, by section 14(1) of the Development Finance Corporation of New Zealand Amendment Act 1988 (1988 No 141).

Schedule 3 Gambling Act 2003: section 267: inserted, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Schedule 3 Gambling Act 2003: section 268: inserted, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Schedule 3 Gaming and Lotteries Act 1977: section 116: repealed, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Schedule 3 Gaming and Lotteries Act 1977: section 139: repealed, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Schedule 3 Geneva Conventions Act 1958: section 8: amended, on 23 April 2014, by section 14 of the Geneva Conventions (Third Protocol—Red Crystal Emblem) Amendment Act 2012 (2012 No 96).

Schedule 3 Housing Corporation Act 1974: section 43: amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Schedule 3 Industrial Design Act 1966: section 30: repealed, on 10 December 1988, by section 14 of the Testing Laboratory Registration Amendment Act 1988 (1988 No 167).

Schedule 3 Museum of New Zealand Te Papa Tongarewa Act 1992: section 23: inserted, on 1 July 1992, by section 33(1) of the Museum of New Zealand Te Papa Tongarewa Act 1992 (1992 No 19).

Schedule 3 National War Memorial Act 1992: section 15: inserted, on 1 July 1992, by section 16 of the National War Memorial Act 1992 (1992 No 20).

Schedule 3 New Zealand Antarctic Institute Act 1996: section 11: inserted, on 1 July 1996, by section 18 of the New Zealand Antarctic Institute Act 1996 (1996 No 38).

Schedule 3 New Zealand Export-Import Corporation Act 1974: section 30: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Schedule 3 New Zealand International Convention Centre Act 2013: section 15: inserted, on 19 November 2013, by section 19 of the New Zealand International Convention Centre Act 2013 (2013 No 92).

Schedule 3 Police Regulations 1949 (Reprinted with amendments Nos 1–24: SR 1985/259): regulation 93B: repealed, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Schedule 3 Post Office Act 1959: section 65: repealed, on 1 January 1988, by section 2(2) of the Post Office Act Repeal Act 1987 (1987 No 115).

Schedule 3 Post Office Act 1959: section 235: repealed, on 1 January 1988, by section 2(2) of the Post Office Act Repeal Act 1987 (1987 No 115).

Schedule 3 Prohibited Marks Order 1982 (SR 1982/127): inserted, on 17 December 1985, by section 2 of the Flags, Emblems, and Names Protection Amendment Act 1985 (1985 No 176).

Schedule 3 Racing Act 1971: section 29: repealed, on 1 August 2003, by section 69(1) of the Racing Act 2003 (2003 No 3).

Schedule 3 Racing Act 2003: section 24: inserted, on 1 August 2003, by section 69(1) of the Racing Act 2003 (2003 No 3).

Schedule 3 Rural Banking and Finance Corporation Act 1974: section 44: repealed, on 31 October 1989, by section 21(1) of the Rural Banking and Finance Corporation of New Zealand Act 1989 (1989 No 81).

Schedule 3 Scientific and Industrial Research Act 1974: section 13A: repealed, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Schedule 3 Sport and Recreation New Zealand Act 2002: section 12: inserted, on 1 January 2003, by section 62 of the Sport and Recreation New Zealand Act 2002 (2002 No 38).

Schedule 3 Sport, Fitness, and Leisure Act 1987: section 34: repealed, on 1 January 2003, by section 62 of the Sport and Recreation New Zealand Act 2002 (2002 No 38).

Schedule 3 Standards Act 1965: section 29: repealed, on 1 July 1988, by section 28 of the Standards Act 1988 (1988 No 5).

Schedule 3 Testing Laboratory Registration Act 1972: section 29: repealed, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Schedule 4
Enactments consequentially amended

s 27(1)

Archives Act 1957 (1957 No 13)*Amendment(s) incorporated in the Act(s).***Companies Act 1955 (1955 No 63)***Amendment(s) incorporated in the Act(s).***National Art Gallery, Museum, and War Memorial Act 1972 (1972 No 11)***Amendment(s) incorporated in the Act(s).***Patents Act 1953 (1953 No 64)***Amendment(s) incorporated in the Act(s).***Shipping and Seamen Act 1952 (1952 No 49)***Amendment(s) incorporated in the Act(s).***Trade Marks Act 1953 (1953 No 66)***Amendment(s) incorporated in the Act(s).*

Schedule 5
Enactments repealed

s 27(2)

Chartered Associations (Protection of Names and Uniforms) Act 1930 (1930 No 15) (1957 Reprint, Vol 1, p 835)

Statutes Amendment Act 1939 (1939 No 39) (1973 Reprint, Vol 2, p 1635)
Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1948 (1948 No 77) (1973 Reprint, Vol 2, p 1636)
Amendment(s) incorporated in the Act(s).

Reprints notes

1 *General*

This is a reprint of the Flags, Emblems, and Names Protection Act 1981 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 4(1), (2)

Standards and Accreditation Act 2015 (2015 No 91): section 45(2)

Flags, Emblems, and Names Protection Amendment Act 2013 (2013 No 117)

New Zealand International Convention Centre Act 2013 (2013 No 92): section 19

Patents Act 2013 (2013 No 68): section 249

Cultural Property (Protection in Armed Conflict) Act 2012 (2012 No 118): section 46

Geneva Conventions (Third Protocol—Red Crystal Emblem) Amendment Act 2012 (2012 No 96): Part 2

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

Flags, Emblems, and Names Protection Amendment Act 2010 (2010 No 66)

Policing Act 2008 (2008 No 72): section 130(1)

Major Events Management Act 2007 (2007 No 35): section 83

Flags, Emblems, and Names Protection Amendment Act 2005 (2005 No 102)

Flags, Emblems, and Names Protection Amendment Act 2003 (2003 No 73)

Gambling Act 2003 (2003 No 51): section 374

Racing Act 2003 (2003 No 3): section 69(1)

Trade Marks Act 2002 (2002 No 49): section 201

Sport and Recreation New Zealand Act 2002 (2002 No 38): section 62

Housing Corporation Amendment Act 2001 (2001 No 37): section 24(1)

Children's Health Camps Board Dissolution Act 1999 (1999 No 141): section 8

Flags, Emblems, and Names Protection Amendment Act 1998 (1998 No 121)

New Zealand Antarctic Institute Act 1996 (1996 No 38): section 18
Customs and Excise Act 1996 (1996 No 27): section 289(1)
Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2
Ship Registration Act 1992 (1992 No 89): section 88(2)
Crown Research Institutes Act 1992 (1992 No 47): section 46(1)
National War Memorial Act 1992 (1992 No 20): section 16
Museum of New Zealand Te Papa Tongarewa Act 1992 (1992 No 19): section 33(1)
Rural Banking and Finance Corporation of New Zealand Act 1989 (1989 No 81): section 21(1)
Testing Laboratory Registration Amendment Act 1988 (1988 No 167): section 14
Consumer Council Act Repeal Act 1988 (1988 No 144): section 9
Development Finance Corporation of New Zealand Amendment Act 1988 (1988 No 141): section 14(1)
Standards Act 1988 (1988 No 5): section 28
Finance Act 1987 (1987 No 200): section 2(1)(c)
Post Office Act Repeal Act 1987 (1987 No 115): section 2(2)
Development Finance Corporation of New Zealand Act 1986 (1986 No 129): section 19(1)
Flags, Emblems, and Names Protection Amendment Act 1985 (1985 No 176)