

**50. Police may order suspects and others to move on**

- (1) A police officer may order a person who is in a public place, or in a vehicle, vessel or aircraft used for public transport, to leave it, or a part of it specified by the officer, if the officer reasonably suspects that the person —
  - (a) is doing an act —
    - (i) that involves the use of violence against a person;
    - (ii) that will cause a person to use violence against another person; or
    - (iii) that will cause a person to fear violence will be used by a person against another person;
  - (b) is just about to do an act that is likely to —
    - (i) involve the use of violence against a person;
    - (ii) cause a person to use violence against another person; or
    - (iii) cause a person to fear violence will be used by a person against another person;
  - (c) is committing any other breach of the peace;
  - (d) is hindering, obstructing or preventing any lawful activity that is being, or is about to be, carried out by another person;
  - (e) intends to commit an offence; or
  - (f) has just committed or is committing an offence.
- (2) A police officer giving an order under subsection (1) may in addition do either or both of the following —
  - (a) order the person to go beyond a reasonable distance from a place, or the part of a place, set by the officer;
  - (b) order the person to obey the order or orders for a period set by the officer; but the period must not be longer than 24 hours.
- (3) For the purpose of giving an order under this section to a person whose personal details (as defined in section 16 of the *Criminal Investigation (Identifying People) Act 2002*) are unknown to the officer, a police officer may request the person to give the officer any or all of the person's personal details.
- (4) If a request is made under subsection (3), section 16 of the *Criminal Investigation (Identifying People) Act 2002* applies to and in relation to the request in the same way as it applies to a request made under subsection (2) of that section.
- (5) Any order given under this section to a person must —
  - (a) be in writing in a form approved by the Commissioner of Police; and
  - (b) be served on the person by giving it to the person in person or, if the person refuses to accept it, by leaving it near the person and orally drawing his or her attention to it.
- (6) A person who, without reasonable excuse, does not comply with an order given by a police officer under this section commits an offence.

Penalty: imprisonment for 12 months and a fine of \$12 000.

- (7) This section does not prevent a police officer charging a person with an offence without having exercised a power in this section.

*[Section 50 inserted by No. 70 of 2004 s. 52.]*