

**Version  
as at 1 July 2013**



## **Commonwealth Games Symbol Protection Act 1974**

Public Act      1974 No 23  
Date of assent      28 June 1974  
Commencement      see section 1(2)

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### **Official symbol of the Xth British Commonwealth Games**

#### **An Act to control the use of the official symbol of the Xth British Commonwealth Games**

##### **1 Short Title and commencement**

- (1) This Act may be cited as the Commonwealth Games Symbol Protection Act 1974.
- (2) This Act shall come into force on 1 July 1974.

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##### **Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Association** means The New Zealand Olympic and British Commonwealth Games Association Incorporated

**Minister** means the Minister of Internal Affairs

**symbol** means the official symbol of the Xth British Commonwealth Games, which symbol is reproduced in the Schedule.

## 3 Restriction on use of symbol

- (1) No person shall use the symbol for any purpose without the consent of the Minister.
- (2) For the purposes of subsection (1), where any person uses for any purpose any mark, emblem, or design that so nearly resembles the symbol as to be likely to deceive, he shall be deemed to have used the symbol for the same purpose.
- (3) Nothing in subsection (1) shall apply—
  - (a) to the use of the symbol by The Shipping Corporation of New Zealand Limited for any purpose for which the Corporation was entitled to use it immediately before the commencement of this Act;
  - (b) to the use by any person for any purpose of any article incorporating in its design or imprinted with the symbol, if that article was lawfully manufactured in or imported into New Zealand before the commencement of this Act.
- (4) Every person who acts in contravention of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding \$200.
- (5) In any prosecution for an offence against this section it shall be for the defendant to prove that he acted with the consent of the Minister, or that the act complained of was not an offence by virtue of subsection (3).

Section 3(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## 4 Minister may consent to use of symbol, and impose conditions

- (1) On written application made to him in that behalf, the Minister may consent to the use of the symbol, thereafter or for such period as he may specify, for any particular purpose.
- (2) In any such case the Minister may give his consent on such terms and subject to such conditions as he thinks fit, including a condition requiring the applicant for his consent to pay to the Association such sum or sums as the Minister may think reasonable, whether by way of premium, royalty, or otherwise, and may from time to time, on the application or with the consent of the applicant, vary or revoke any such term or condition.

(3) Where the Minister has given his consent to the use of the symbol by any person and that person is convicted of an offence against section 3, the Minister may revoke his consent.

(4) Where—

- (a) the Minister has consented to the use of the symbol by any person for a particular purpose and has attached a condition to his consent; and
- (b) that person has used the symbol for any other purpose, or has used the symbol without complying with each such condition,—

that person shall, for the purposes of subsection (1) of section 3, be deemed to have used the symbol without the consent of the Minister.

(5) Where under subsection (2) the Minister requires any person to pay any sum to the Association, neither the Minister nor that person shall be concerned to see to the application of that sum by the Association.

**Schedule**  
**Official symbol of the Xth British Commonwealth Games**

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## Notes

### 1 General

This is a reprint of the Commonwealth Games Symbol Protection Act 1974. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### 2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

### 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5     *List of amendments incorporated in this reprint  
(most recent first)***

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