

## ☒☒ Crimes Act 1961

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 Ministry of Justice. Crimes Act 1961

### Crimes involving deceit ☒☒

Heading: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

240 Obtaining by deception or causing loss by deception

(1)

Every one is guilty of obtaining by deception or causing loss by deception who, by any deception and without claim of right,—

(a)

obtains ownership or possession of, or control over, any property, or any privilege, service, pecuniary advantage, benefit, or valuable consideration, directly or indirectly; or

(b)

in incurring any debt or liability, obtains credit; or

(c)

induces or causes any other person to deliver over, execute, make, accept, endorse, destroy, or alter any document or thing capable of being used to derive a pecuniary advantage; or

(d)

causes loss to any other person.

(1A)

Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any document or thing capable of being used to derive a pecuniary advantage knowing that, by deception and without claim of right, the document or thing was, or was caused to be, delivered, executed, made, accepted, endorsed, or altered.

(2)

In this section, deception means—

(a)

a false representation, whether oral, documentary, or by conduct, where the person making the representation intends to deceive any other person and—

(i)

knows that it is false in a material particular; or

(ii)

is reckless as to whether it is false in a material particular; or

(b)

an omission to disclose a material particular, with intent to deceive any person, in circumstances where there is a duty to disclose it; or

(c)

a fraudulent device, trick, or stratagem used with intent to deceive any person.

Compare: 1961 No 43 [ss 246, 247, 270](#)

Section 240: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 240(1A): inserted, on 7 November 2015, by [section 12](#) of the Crimes Amendment Act 2015 (2015 No 95).

Part 3 Matters of justification or excuse

20 General rule as to justifications

(1)

All rules and principles of the common law which render any circumstances a justification or excuse for any act or omission, or a defence to any charge, shall remain in force and apply in respect of a charge of any offence, whether under this Act or under any other enactment, except so far as they are altered by or are inconsistent with this Act or any other enactment.

(2)

The matters provided for in this Part are hereby declared to be justifications or excuses in the case of all charges to which they are applicable.

## Compulsion

### 24 Compulsion

(1)

Subject to the provisions of this section, a person who commits an offence under compulsion by threats of immediate death or grievous bodily harm from a person who is present when the offence is committed is protected from criminal responsibility if he or she believes that the threats will be carried out and if he or she is not a party to any association or conspiracy whereby he or she is subject to compulsion.

(2)

Nothing in subsection (1) shall apply where the offence committed is an offence specified in any of the following provisions of this Act, namely:

(a)

[section 73](#) (Treason) or [section 78](#) (Espionage):

(aa)

[section 78AAA](#) (Improper conduct for or on behalf of foreign power):

(b)

[section 79](#) (Sabotage):

(c)

[section 92](#) (Piracy):

(d)

[section 93](#) (Piratical acts):

subsection (1) of [section 189](#) (injuring with intent to cause grievous bodily harm):

(k)

[section 234](#) (Robbery):

(l)

[section 235](#) (Aggravated robbery):

## Ignorance of law

### 25 Ignorance of law

The fact that an offender is ignorant of the law is not an excuse for any offence committed by him or her.

Compare: 1908 No 32 s 45

### 32 Arrest by constable of person believed to have committed offence

Where under any enactment any constable has power to arrest without warrant any person who has committed an offence, the constable is justified in arresting without warrant any person whom he or she believes, on reasonable and probable grounds, to have committed that offence, whether or not the offence has in fact been committed, and whether or not the arrested person committed it.

Compare: 1908 No 32 s 51

### 35 Arrest of persons found committing certain crimes

Every one is justified in arresting without warrant—

(a)

any person whom he or she finds committing any offence against this Act for which the maximum punishment is not less than 3 years' imprisonment:

(b)

any person whom he or she finds by night committing any offence against this Act.

Compare: 1908 No 32 ss 53, 57(1)

Section 35(a): amended, on 27 March 2008, by [section 4](#) of the Crimes Amendment Act 2008 (2008 No 8).

### 53 Defence of movable property with claim of right

(1)

Every one in peaceable possession of any movable thing under a claim of right, and every one acting under his or her authority, is protected from criminal responsibility for defending his or her possession by the use of reasonable force, even against a person entitled by law to possession, if he or she does not strike or do bodily harm to the other person.

#### Defence of property ☒☒

##### 52 Defence of movable property against trespasser

(1)

Every one in peaceable possession of any movable thing, and every one lawfully assisting him or her, is justified in using reasonable force to resist the taking of the thing by any trespasser or to retake it from any trespasser, if in either case he or she does not strike or do bodily harm to the trespasser.

(2)

[Repealed]

Compare: 1908 No 32 s 77

Section 52(2): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

##### 53 Defence of movable property with claim of right

(1)

Every one in peaceable possession of any movable thing under a claim of right, and every one acting under his or her authority, is protected from criminal responsibility for defending his or her possession by the use of reasonable force, even against a person entitled by law to possession, if he or she does not strike or do bodily harm to the other person.

(2)

[Repealed]

Compare: 1908 No 32 s 78

Section 53(2): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

##### 54 Defence of movable property without claim of right

(1)

Every one in peaceable possession of any movable thing, but neither claiming right thereto nor acting under the authority of a person claiming right thereto, is neither justified in nor protected from criminal responsibility for defending his or her possession against a person entitled by law to possession.

(2)

[Repealed]

Compare: 1908 No 32 s 79

Section 54(2): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

##### 55 Defence of dwellinghouse

Every one in peaceable possession of a dwellinghouse, and every one lawfully assisting him or her or acting by his or her authority, is justified in using such force as is necessary to prevent the forcible breaking and entering of the dwellinghouse by any person if he or she believes, on reasonable and probable grounds, that there is no lawful justification for the breaking and entering.

Compare: 1908 No 32 ss 80, 81; Criminal Code (1954) s 40 (Canada)

##### 56 Defence of land or building ☒☒

(1)

Every one in peaceable possession of any land or building, and every one lawfully assisting him or her or acting by his or her authority, is justified in using reasonable force to prevent any person from trespassing on the land or building or to remove him or her therefrom, if he or she does not strike or do bodily harm to that person.

(2)

[Repealed]

Compare: 1908 No 32 s 82

Section 56(2): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

#### Peaceable entry

## 57 Assertion of right to land or building ☒☒

(1)

Every one is justified in peaceably entering in the daytime on any land or building to the possession of which he or she, or some person under whose authority he or she acts, is lawfully entitled, for the purpose of taking possession thereof.

(2)

[Repealed]

(3)

[Repealed]

Compare: 1908 No 32 s 83

Section 57(2): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

Section 57(3): repealed, on 1 January 1981, by section 2(2) of the Crimes Amendment Act 1980 (1980 No 63).

## 58 Exercise of right of way, etc

Every one lawfully entitled to enter on any land for the exercise of any right of way or other easement or profit is justified in peaceably entering on the land for the purpose of exercising that right of way, easement, or profit:

provided that if any one so entering has notice that his or her right to use that way or easement, or to take that profit, is disputed by the person in possession of the land, an assault committed by that person, or by any person acting under his or her authority, for the purpose of making the person entering desist from entry, shall be deemed to be provoked by the person entering.

Compare: 1908 No 32 s 84

## 64 Obedience to de facto law

Every one is protected from criminal responsibility for any act done in obedience to the laws for the time being made and enforced by those in possession de facto of the sovereign power in and over the place where the act is done.

Compare: 1908 No 32 s 88

## 65 Other enactments not affected

Nothing in this Act shall take away or diminish any authority given by any other enactment to arrest, detain, or put any restraint on any person.

Compare: 1908 No 32 s 59

## Part 4 Parties to the commission of offences ☒☒

## 66 ☒☒ Parties to offences

(1)

Every one is a party to and guilty of an offence who—

(a)

☒☒ actually commits the offence; or

(b)

☒☒ does or omits an act for the purpose of aiding any person to commit the offence; or

(c)

☒☒ abets any person in the commission of the offence; or

(d)

☒☒ incites, counsels, or procures any person to commit the offence.

(2)

☒☒ Where 2 or more persons form a common intention to prosecute any unlawful purpose, and to assist each other therein, each of them is a party to every offence committed by any one of them in the prosecution of the common purpose if the commission of that offence was known to be a probable consequence of the prosecution of the common purpose.

Compare: 1908 No 32 s 90

## 69 ☒☒ Party to any other crime outside New Zealand

(1)

Every one is liable to imprisonment for a term not exceeding 14 years who, in New Zealand, aids, incites, counsels, or procures the doing or omission outside New Zealand, by any person not owing allegiance to the Sovereign in right of New Zealand, of any act which, if done or omitted outside New Zealand by a person owing such allegiance, would be any of the crimes of treason, inciting to mutiny, or espionage, as specified in [sections 73, 77, and 78](#).

(1A)

A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if the person, outside New Zealand, aids, incites, counsels, or procures the doing or omission outside New Zealand, by any person not owing allegiance to the Sovereign in right of New Zealand, of any act which, if done or omitted outside New Zealand by a person owing such allegiance, would be any of the crimes mentioned in subsection (1).

(1B)

A person who commits an offence against subsection (1A) is liable to imprisonment for a term not exceeding 14 years.

(2)

Every one is liable to imprisonment for a term not exceeding 10 years who, in New Zealand, incites, counsels, or attempts to procure the doing or omission outside New Zealand of any act which, if done or omitted in New Zealand, would be any of the crimes mentioned in subsection (1), when that act is not in fact done or omitted.

(2A)

A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if the person, outside New Zealand, incites, counsels, or attempts to procure the doing or omission outside New Zealand of any act which, if done or omitted in New Zealand, would be any of the crimes mentioned in subsection (1), when that act is not in fact done or omitted.

(2B)

A person who commits an offence against subsection (2A) is liable to imprisonment for a term not exceeding 10 years.

(3)

Every one who, in New Zealand, aids, incites, counsels, or procures the doing or omission outside New Zealand of any act (not being an act to which the foregoing provisions of this section apply) which, if done or omitted in New Zealand, would be an offence other than murder punishable by imprisonment for life or by 2 or more years' imprisonment, is liable to imprisonment for a term not exceeding that prescribed for the offence, or 7 years, whichever is the less: provided that it shall be a defence to a charge under this subsection to prove that the doing or omission of the act to which the charge relates was not an offence under the law of the place where it was, or was to be, done or omitted.

(4)

Except as otherwise provided in this Act, no one shall be convicted of inciting, counselling, or attempting to procure in New Zealand the doing or omission of an act outside New Zealand when that act is not in fact done or omitted.

(5)

Nothing in this section limits or affects [sections 9 to 11](#) of the International Crimes and International Criminal Court Act 2000.

Section 69(1): amended, on 1 July 1983, by section 2(2) of the Crimes Amendment Act (No 2) 1982 (1982 No 157).

Section 69(1A): inserted, on 27 November 2025, by [section 8\(1\)](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 69(1B): inserted, on 27 November 2025, by [section 8\(1\)](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 69(2): amended, on 27 November 2025, by [section 8\(2\)](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 69(2A): inserted, on 27 November 2025, by [section 8\(3\)](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 69(2B): inserted, on 27 November 2025, by [section 8\(3\)](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 69(3): amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 69(5): inserted, on 1 October 2000, by [section 181\(2\)](#) of the International Crimes and International Criminal Court Act 2000 (2000 No 26)

69A   Party to certain acts or omissions in New Zealand Relevant act done or omitted

(1)

A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if—

(a)

the person, in or outside New Zealand, aids, abets, incites, counsels, or procures a person who does not owe such allegiance to do or omit a relevant act in New Zealand; and

(b)

the relevant act is in fact done or omitted.

(2)

A person who commits an offence against subsection (1) is liable to imprisonment for a term not exceeding 14 years.

Relevant act not done or omitted

(3)

A person who owes allegiance to the Sovereign in right of New Zealand commits an offence if—

(a)

the person, in or outside New Zealand, incites, counsels, or attempts to procure a person who does not owe such allegiance to do or omit a relevant act in New Zealand; and

(b)

the relevant act is not in fact done or omitted.

(4)

A person who commits an offence against subsection (3) is liable to imprisonment for a term not exceeding 10 years.

Interpretation

(5)

In this section, relevant act means an act which, if done or omitted in New Zealand by a person who owes allegiance to the Sovereign in right of New Zealand, would be an offence against—

(a)

[section 73](#) (treason); or

(b)

[section 77](#) (inciting to mutiny); or

(c)

[section 78](#) (espionage).

Section 69A: inserted, on 27 November 2025, by [section 9](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

70 Offence committed other than offence intended

(1)

Every one who incites, counsels, or procures another to be a party to an offence of which that other is afterwards guilty is a party to that offence, although it may be committed in a way different from that which was incited, counsel led, or suggested.

(2)

Every one who incites, counsels, or procures another to be a party to an offence is a party to every offence which that other commits in consequence of such inciting, counselling, or procuring, and which the first-mentioned person knew to be likely to be committed in consequence thereof.

Compare: 1908 No 32 s 91

71 Accessory after the fact

(1)

An accessory after the fact to an offence is one who, knowing any person to have been a party to the offence, receives, comforts, or assists that person or tampers with or actively suppresses any evidence against him or her, in order to enable him or her to escape after arrest or to avoid arrest or conviction.

(2)

[Repealed]

Compare: 1908 No 32 s 92; Criminal Code (1954) s 23 (Canada)

Section 71(2): repealed, on 12 March 2019, by [section 4](#) of the Crimes Amendment Act 2019 (2019 No 4).

## 72 Attempts

(1)

☒☒ Every one who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his or her object, is guilty of an attempt to commit the offence intended, whether in the circumstances it was possible to commit the offence or not.

(2)

☒☒ The question whether an act done or omitted with intent to commit an offence is or is not only preparation for the commission of that offence, and too remote to constitute an attempt to commit it, is a question of law.

(3)

☒☒ An act done or omitted with intent to commit an offence may constitute an attempt if it is immediately or approximately connected with the intended offence, whether or not there was any act unequivocally showing the intent to commit that offence.

Compare: 1908 No 32 s 93

## 74 Punishment for treason or attempted treason

(1)

☒☒ Except as otherwise provided in this Act, every one who commits treason within the meaning of any of the provisions of paragraphs (a) to (e) of [section 73](#) ☒☒ shall upon conviction be sentenced to imprisonment for life.

(2)

Every one is liable to imprisonment for a term not exceeding 14 years who commits treason within the meaning of paragraph (f) of the said [section 73](#).

(3)

☒☒ Every one is liable to imprisonment for a term not exceeding 14 years who, owing allegiance to the Sovereign in right of New Zealand, attempts to commit treason within or outside New Zealand.

Compare: 1908 No 32 ss 95, 99

Section 74(1): amended, on 26 December 1989, by [section 3\(2\)](#) of the Abolition of the Death Penalty Act 1989 (1989 No 119).

## 75 Evidence of treason

(1)

No one shall be convicted of treason on the evidence of 1 witness only, unless the evidence of that witness is corroborated in some material particular by evidence implicating the defendant.

(2)

Nothing in subsection (1) shall apply to treason within the meaning of paragraph (a) of [section 73](#).

Compare: 1908 No 32 s 96(1); Criminal Code (1954) s 47(2) (Canada)

Section 75(1): amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

## 76 Punishment for being party to treason

Every one is liable to imprisonment for a term not exceeding 7 years who—

(a)

becomes an accessory after the fact to treason; or

(b)

knowing that a person is about to commit treason, fails without reasonable excuse to inform a constable as soon as possible or to use other reasonable efforts to prevent its commission.

Compare: 1908 No 32 s 98

## 78 Espionage

(1)

Every one is liable to imprisonment for a term not exceeding 14 years who, being a person who owes allegiance to the Sovereign in right of New Zealand, within or outside New Zealand,—

(a)

with intent to prejudice the security or defence of New Zealand, communicates information or delivers any object to a country or organisation outside New Zealand or to a person acting on behalf of any such country or organisation; or

(b)

with intent to prejudice the security or defence of New Zealand and with the intention of communicating information or delivering any object to a country or organisation outside New Zealand or to a person acting on behalf of any such country or organisation,—

(i)

collects or records any information; or

(ii)

copies any document; or

(iii)

obtains any object; or

(iv)

makes any sketch, plan, model, or note; or

(v)

takes any photograph; or

(vi)

records any sound or image; or

(vii)

delivers any object to any person,—

if the communication or delivery or intended communication or intended delivery under paragraph (a) or paragraph (b) is likely to prejudice the security or defence of New Zealand.

(2)

In this section,—

document has the meaning given in [section 217](#)

information includes information about military tactics, techniques, or procedures.

Section 78: replaced, on 1 July 1983, by section 2(1) of the Crimes Amendment Act (No 2) 1982 (1982 No 157).

Section 78(2): inserted, on 27 November 2025, by [section 10](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

78AAA ~~☒☒~~ Improper conduct for or on behalf of foreign power to compromise protected New Zealand interest

Intentional conduct

(1)

A person commits an offence if—

(a)

~~☒☒~~ the person engages in improper conduct for or on behalf of a foreign power; and

(b)

~~☒☒~~ the person knows, or ought to know, that they are engaging in the conduct for or on behalf of a foreign power; and

(c)

~~☒☒~~ the person engages in the conduct intending to compromise a protected New Zealand interest.

(2)

~~☒☒~~ A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 14 years.

Reckless conduct

(3)

A person commits an offence if—

(a)

~~☒☒~~ the person engages in improper conduct for or on behalf of a foreign power; and

(b)

☒☒the person knows, or ought to know, that they are engaging in the conduct for or on behalf of a foreign power; and

(c)

☒☒the person engages in the conduct being reckless as to whether doing so is likely to compromise a protected New Zealand interest.

(4)

☒☒A person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 10 years.

#### Interpretation

(5)

To avoid doubt,—

(a)

☒☒the fact that a person protects information for a lawful purpose in the ordinary course of business, a profession, or an occupation, whether paid or unpaid, is not, by itself, a sufficient basis for inferring that the person is engaging in improper conduct:

(b)

☒☒the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person is—

(i)

☒☒intending to compromise a protected New Zealand interest; or

(ii)

☒☒reckless as to whether the person’s conduct is likely to compromise a protected New Zealand interest.

(6)

☒☒Examples of conduct contemplated by subsection (5) (a) include the protection of trade secrets, commercially sensitive information, personal information, journalists’ sources, or legally privileged communications, including by way of encryption.

(7)

☒☒In this section, conduct that a person engages in for or on behalf of a foreign power—

(a)

includes conduct that is—

(i)

☒☒instigated, directed, or supervised by a foreign power; or

(ii)

☒☒undertaken in collaboration with, or with the assistance, funding, or agreement of, a foreign power; but

(b)

☒☒excludes conduct that constitutes the lawful performance of the person’s functions or duties as an employee, contractor, authorized representative, or agent of the Government of New Zealand.

(8)

In this section,—

foreign power means any of the following:

(a)

☒☒a foreign government (as defined in [section 105C](#)):

(b)

☒☒a foreign public agency (as defined in [section 105C](#)):

(c)

☒☒a foreign public enterprise (as defined in [section 105C](#)):

(d)

☒☒a foreign public official (as defined in [section 105C](#), but as if the references to a public international organization were removed):

(e)

☒☒a political party within a foreign country (as defined in [section 105C](#)) that constitutes, forms part of, or represents a foreign government (as defined in [section 105C](#)):

(f)

§§ a person in their capacity as a holder of a political or official post if—

(i)

§§ the person holds that post as a result of, or in the course of, their membership of a political party referred to in paragraph (e); or

(ii)

§§ the person is subject to the direction or control of, or is significantly influenced by, a political party referred to in paragraph (e) in exercising the functions of that post:

(g)

§§ a company, body, organization, or association whose main purpose is to support a political party referred to in paragraph (e) improper conduct means conduct that includes any of the following:

(a)

conduct that is of a covert nature, which may include—

(i)

§§ concealing a person's actions or identity:

(ii)

§§ obscuring the existence of an association or relationship:

(iii)

§§§ collecting or sharing information about a person without their knowledge or consent:§§§

(b)

conduct that is of a deceptive nature, which may include—

(i)

§§§ misrepresenting or obfuscating a person's purpose in acting or not acting:

(ii)

§§§ failing to disclose the consequences of acting or not acting in accordance with any representation:

(iii)

§§§ making a false representation:

(iv)

§§§ omitting any material particular in dealing with another person:

(c)

§§§ conduct that is of a coercive nature, which may include—

(i)

§§§ using intimidating, threatening, manipulative, or exploitative behaviour against another person:

(ii)

§§§ enabling the denial or restriction of access to property or services that another person would otherwise be entitled to access:

(d)

§§§ conduct that is of a corruptive nature, which may include abusing a person's position or authority in a manner that enables the person to—

(i)

§§§ exert undue influence or control over another person:

(ii)

make a monetary or personal gain protected New Zealand interest means any of the following:

(a)

the security or defence of New Zealand:

(b)

§§ the economic well-being of New Zealand:

(c)

§§§ the international relations of New Zealand:

(d)

§§§ the functioning of the executive, judiciary, or legislature of New Zealand:

(e)

§§§ the exercise or performance of any public function, duty, or power conferred or imposed on a person or body by or pursuant to the law of New Zealand:

(f)

§§§ the fair and impartial conduct of any election, poll, or referendum under the law of New Zealand:

(g)

the ability of any person to exercise in New Zealand any human, civil, political, or democratic right recognized under the law of New Zealand:

(h)

the safety or security of—

(i)

any person in New Zealand; or

(ii)

any citizen of New Zealand, whether or not that person is in New Zealand; or

(iii)

any person ordinarily resident in New Zealand, whether or not that person is in New Zealand.

Section 78AAA: inserted, on 27 November 2025, by [section 11](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

78AAB Commission of imprisonable offence for or on behalf of foreign power to provide relevant benefit

Intentional conduct

1)

A person commits an offence if the person commits any imprisonable offence for or on behalf of a foreign power intending to provide a relevant benefit to a foreign power.

(2)

A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years.

Reckless conduct

(3)

A person commits an offence if the person commits any imprisonable offence for or on behalf of a foreign power being reckless as to whether doing so is likely to provide a relevant benefit to a foreign power.

(4)

A person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 7 years.

Interpretation

(5)

To avoid doubt, the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person is—

(a)

intending to provide a relevant benefit to a foreign power; or

(b)

reckless as to whether the person's conduct is likely to provide a relevant benefit to a foreign power.

(6)

In this section, committing an imprisonable offence for or on behalf of a foreign power includes committing the offence—

(a)

at the instigation, at the direction, or under the supervision of a foreign power; or

(b)

in collaboration with, or with the assistance, funding, or agreement of, a foreign power.

(7)

In this section,—

foreign power has the same meaning as in [section 78AAA](#)

to provide a relevant benefit to a foreign power means 1 or more of the following:

(a)

to support the intelligence activities of a foreign power:

(b)

to enhance the political or economic influence or the military or technological capability of a foreign power:

(c)

to advance the coercive influence of a foreign power over persons in or outside New Zealand.

Section 78AAB: inserted, on 27 November 2025, by [section 11](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

78AA Wrongful communication, retention, or copying of classified information

(1)

☒☒ Every person specified in subsection (2) is liable to imprisonment for a term not exceeding 5 years if the person, within or outside New Zealand,—

(a)

☒☒ knowingly or recklessly, and with knowledge that he or she is acting without proper authority, communicates any classified information to any other person; or

(b)

☒☒☒ knowing that he or she is acting without proper authority, retains or copies any classified information; or

(c)

☒☒☒ knowingly fails to comply with any directions issued by a lawful authority for the return of any classified information that is in his or her possession or under his or her control.

(2)

Subsection (1) applies to—

(a)

a person who holds, or has held, a government-sponsored national security clearance to access classified information; or

(b)

a person to whom classified information has been disclosed in confidence if—

(i)

the disclosure is authorized; and

(ii)

the person knows that the disclosure is in respect of classified information.

(3)

In this section,—

classified information means—

(a)

information that—

(i)

is, or was, relevant information; and

(ii)

is classified under the New Zealand Government Security Classification System as being accessible only to persons who have a national security clearance:

(b)

foreign government information that is—

(i)

classified in a foreign country; and

(ii)

☒☒☒ accessible only to persons having a government-sponsored national security clearance

New Zealand Government Security Classification System means the security classification system applying to relevant information that is published (and from time to time amended) on an Internet site maintained by or on behalf of the New Zealand Security Intelligence Service relevant information has the meaning given to it by [section 78A\(2\)](#).

Section 78AA: inserted, on 28 September 2017, by [section 254](#) of the Intelligence and Security Act 2017 (2017 No 10).

Section 78AA(3) (a) (i): amended, on 27 November 2025, by [section 12](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 78AA(3) New Zealand Government Security Classification System: amended, on 27 November 2025, by [section 12](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 78AA(3) relevant information (previously official information): amended, on 27 November 2025, by [section 12](#) of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

#### Offence of oath to commit offence

Heading: replaced, on 1 January 2008, by [section 4](#) of the Crimes (Repeal of Seditious Offences) Amendment Act 2007 (2007 No 96).

#### 80Oath to commit offence

(1)

Every one is liable to imprisonment for a term not exceeding 5 years who—

(a)

administers or is present at and consenting to the administration of any oath or engagement purporting to bind the person taking the same to commit any offence; or

(b)

attempts to induce or compel any person to take any such oath or engagement; or

(c)

takes any such oath or engagement.

(2)

No one who has been acquitted or convicted of any offence against this section is liable to be afterwards tried for treason, or for being accessory after the fact to treason, in respect of the same matter.

Compare: 1908 No 32 ss 115, 116

#### Piracy

#### 92 Piracy

(1)

Every one who does any act amounting to piracy by the law of nations, whether that act is done within or outside New Zealand,—

(a)

shall upon conviction thereof be sentenced to imprisonment for life if, in committing piracy, he or she murders, attempts to murder, or does any act likely to endanger the life of any person:

(b)

is liable to imprisonment for a term not exceeding 14 years in any other case.

(2)

Any act that by the law of nations would amount to piracy if it had been done on the high seas on board or in relation to a ship shall be piracy for the purposes of this section if it is done on board or in relation to an aircraft, whether the aircraft is on or above the sea or is on or above the land.

Compare: 1908 No 32 s 121

#### 93Piratical acts

(1)

Every one commits a piratical act who—

(a)

within New Zealand, or, being a New Zealand citizen or a person ordinarily resident in New Zealand, outside New Zealand, under pretence of any commission from any State other than New Zealand (whether or not that State is at war with New Zealand) or under pretence of authority from any person whatever, commits an act of hostility or robbery:

(b)

within or outside New Zealand, enters into any New Zealand ship and throws overboard or destroys any goods on board the ship:

(c)

within or outside New Zealand, on board any New Zealand ship—

(i)

turns enemy or rebel and piratically runs away with the ship or any boat, weapons, ammunition, or goods; or

(ii)

voluntarily yields up the ship or any boat, weapons, ammunition, or goods to any pirate; or

(iii)

§§§§ counsels or procures any person to yield up or run away with any ship, goods, or merchandise, or to turn pirate or go over to pirates; or

(iv)

assaults the master or commander of any ship in order to prevent him or her from fighting in defence of his or her ship and goods; or

(v)

imprisons or restrains the master or commander of any ship; or

(vi)

makes or endeavors to make a revolt in the ship.

(2)

Subsection (1) shall extend and apply to aircraft as it applies to ships; and for the purposes of this subsection any reference in subsection (1) to the master or commander of any ship shall be read as a reference to the pilot in command of an aircraft.

Compare: 1908 No 32 s 122

#### 94 Punishment of piratical acts

Every one who commits any piratical act—

(a)

§§§§ shall upon conviction thereof be sentenced to imprisonment for life if, in committing that act, he or she murders, attempts to murder, or does any act likely to endanger the life of any person:

(b)

§§§§ is liable to imprisonment for a term not exceeding 14 years in any other case.

Compare: 1908 No 32 ss 122, 123

#### 95 Attempt to commit piracy

Every one is liable to imprisonment for a term not exceeding 14 years who, within or outside New Zealand, attempts to do any act amounting to piracy by the law of nations.

#### 96 Conspiring to commit piracy

§§§§ Every one is liable to imprisonment for a term not exceeding 10 years who, within or outside New Zealand, conspires with any other person to do any act amounting to piracy by the law of nations.

#### 97 Accessory after the fact to piracy

§§§ Every one is liable to imprisonment for a term not exceeding 7 years who, within or outside New Zealand, is accessory after the fact to any act amounting to piracy by the law of nations.

#### 98A Participation in organized criminal group

(1)

§§§ Every person commits an offence and is liable to imprisonment for a term not exceeding 10 years who participates in an organized criminal group—

(a)

§§§ knowing that 3 or more people share any 1 or more of the objectives (the particular objective or particular objectives) described in paragraphs (a) to (d) of subsection (2) (whether or not the person himself or herself shares the particular objective or particular objectives); and

(b)

☒☒☒ either knowing that his or her conduct contributes, or being reckless as to whether his or her conduct may contribute, to the occurrence of any criminal activity; and

(c)

☒☒☒ either knowing that the criminal activity contributes, or being reckless as to whether the criminal activity may contribute, to achieving the particular objective or particular objectives of the organized criminal group.

(2)

☒☒☒ For the purposes of this Act, a group is an organized criminal group if it is a group of 3 or more people who have as their objective or one of their objectives—

(a)

☒☒☒ obtaining material benefits from the commission of offenses that are punishable by imprisonment for a term of 4 years or more; or

(b)

☒☒☒ obtaining material benefits from conduct outside New Zealand that, if it occurred in New Zealand, would constitute the commission of offences that are punishable by imprisonment for a term of 4 years or more; or

(c)

the commission of serious violent offenses; or

(d)

conduct outside New Zealand that, if it occurred in New Zealand, would constitute the commission of serious violent offences.

(3)

A group of people is capable of being an organized criminal group for the purposes of this Act whether or not—

(a)

some of them are subordinates or employees of others; or

(b)

only some of the people involved in it at a particular time are involved in the planning, arrangement, or execution at that time of any particular action, activity, or transaction; or

(c)

its membership changes from time to time.

Section 98A: replaced, on 18 June 2002, by [section 5](#) of the Crimes Amendment Act 2002 (2002 No 20).

Section 98A(1): replaced, on 1 December 2009, by [section 5\(1\)](#) of the Crimes Amendment Act 2009 (2009 No 47).

Section 98A(2) (c): amended, on 18 April 2012, by [section 325\(5\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Section 98A(2) (c): amended, on 1 December 2009, by [section 5\(2\)](#) of the Crimes Amendment Act 2009 (2009 No 47).

Section 98A(2) (d): amended, on 18 April 2012, by [section 325\(5\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Section 98A(2) (d): amended, on 1 December 2009, by [section 5\(2\)](#) of the Crimes Amendment Act 2009 (2009 No 47).

105DBribery outside New Zealand of foreign public official

(1)

Every one commits an offence who, being a person described in subsection (2), does, outside New Zealand, any act that would, if done in New Zealand, constitute an offence against [section 105C](#).

(2)

Subsection (1) applies to a person who is—

(a)

a New Zealand citizen; or

(b)

ordinarily resident in New Zealand; or

(c)

a body corporate incorporated in New Zealand; or

(d)

a corporation sole incorporated in New Zealand.

(3)

Every one who commits an offence against this section is liable to the same penalty to which the person would have been liable if the person had been convicted of an offence against [section 105C](#).

(4)

[Repealed]

Section 105D: inserted, on 3 May 2001, by [section 8](#) of the Crimes (Bribery of Foreign Public Officials) Amendment Act 2001 (2001 No 28).

Section 105D(4): repealed, on 7 November 2015, by [section 7](#) of the Crimes Amendment Act 2015 (2015 No 95).

105E Corruption of foreign public officials

(1)

Every person specified in subsection (2) who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, a bribe for that person or another person in respect of any act or omission by an official in the official's official capacity (whether or not the act or omission is within the scope of the official's authority) is liable to imprisonment for a term not exceeding 7 years.

(2)

Subsection (1) applies to—

(a)

any foreign public official who has committed the offence while in New Zealand:

(b)

any person employed as a foreign public official who has committed the offence while outside New Zealand if the person is—

(i)

a New Zealand citizen; or

(ii)

ordinarily resident in New Zealand; or

(iii)

a body corporate incorporated in New Zealand; or

(iv)

a corporation sole incorporated in New Zealand.

(3)

Nothing in this section limits any immunity that a foreign public official or person has under this Act or any other enactment.

Section 105E: replaced, on 7 November 2015, by [section 8](#) of the Crimes Amendment Act 2015 (2015 No 95).

105F Trading in influence

Every person is liable to imprisonment for a term not exceeding 7 years who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, a bribe for that person or another person with intent to influence an official in respect of any act or omission by that official in the official's official capacity (whether or not the act or omission is within the scope of the official's authority).

Section 105F: inserted, on 7 November 2015, by [section 8](#) of the Crimes Amendment Act 2015 (2015 No 95).

111 False statements or declarations

Every one is liable to imprisonment for a term not exceeding 3 years who, on any occasion on which he is required or permitted by law to make any statement or declaration before any officer or person authorised by law to take or receive it, or before any notary public to be certified by him as such notary, makes a statement or declaration that would amount to perjury if made on oath in a judicial proceeding.

Compare: 1908 No 32 s 133

112 Evidence of perjury, false oath, or false statement

No one shall be convicted of perjury, or of any offence against [section 110](#) or [section 111](#), on the evidence of 1 witness only, unless the evidence of that witness is corroborated in some material particular by evidence implicating the defendant.

Compare: 1908 No 32 s 134; Criminal Code (1954) s 115 (Canada)  
 Section 112: amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

### 113 Fabricating evidence

Every one is liable to imprisonment for a term not exceeding 7 years who, with intent to mislead any tribunal holding any judicial proceeding to which [section 108](#) applies, fabricates evidence by any means other than perjury.

Compare: 1908 No 32 s 135

### 114 Use of purported affidavit or declaration

Every one is liable to imprisonment for a term not exceeding 3 years who—

(a)

signs a writing that purports to be an affidavit sworn before him or her or a statutory declaration taken by him or her, when the writing was not so sworn or taken, or when he or she knows that he or she has no authority to administer that oath or take that declaration; or

(b)

uses or offers for use any writing purporting to be an affidavit or statutory declaration that he or she knows was not sworn or made, as the case may be, by the deponent or before a person authorized to administer that oath or take that declaration.

Compare: Criminal Code (1954) s 118 (Canada)

### 115 Conspiring to bring false accusation

Every one who conspires to prosecute any person for any alleged offence, knowing that person to be innocent thereof, is liable—

(a)

to imprisonment for a term not exceeding 14 years if that person might, on conviction of the alleged offence, be sentenced to preventive detention, or to imprisonment for a term of 3 years or more:

(b)

to imprisonment for a term not exceeding 7 years if that person might, on conviction of the alleged offence, be sentenced to imprisonment for a term less than 3 years.

Compare: 1908 No 32 s 136

Section 115(a): amended, on 26 December 1989, by [section 3\(4\)](#) of the Abolition of the Death Penalty Act 1989 (1989 No 119).

### 116 Conspiring to defeat justice

Every one is liable to imprisonment for a term not exceeding 7 years who conspires to obstruct, prevent, pervert, or defeat the course of justice in New Zealand or the course of justice in an overseas jurisdiction.

Compare: 1908 No 32 s 137

Section 116: amended, on 18 June 2002, by [section 6\(1\)](#) of the Crimes Amendment Act 2002 (2002 No 20).

### 216E Forfeiture

Where any person is convicted of a crime against [section 216B](#) or [section 216D](#) in respect of any interception devices the sole or principal purpose of which is the surreptitious interception of private communications, the court may, as part of the sentence, order that the interception devices shall be forfeited; and, in such a case, the interception devices shall thereupon become forfeited to the Crown accordingly, and may be disposed of in such manner as the Commissioner of Police directs.

Section 216E: inserted, on 6 August 1979, by section 2 of the Crimes Amendment Act 1979 (1979 No 5).

Section 216E: amended, on 1 October 2003, by [section 13](#) of the Crimes Amendment Act 2003 (2003 No 39).

## Part 10 ☒☒Crimes against rights of property

Part 10: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

## Interpretation

Heading: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

## 217 Interpretation

In this Part, unless the context otherwise requires,—

dishonestly, in relation to an act or omission, means done or omitted without a belief that there was express or implied consent to, or authority for, the act or omission from a person entitled to give such consent or authority

document means a document, or part of a document, in any form; and includes, without limitation,—

(a)

any paper or other material used for writing or printing that is marked with matter capable of being read; or

(b)

any photograph, or any photographic negative, plate, slide, film, or microfilm, or any photostatic negative; or

(c)

any disc, tape, wire, sound track, card, or other material or device in or on which information, sounds, or other data are recorded, stored (whether temporarily or permanently), or embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; or

(d)

any material by means of which information is supplied, whether directly or by means of any equipment, to any device used for recording or storing or processing information; or

(e)

any material derived, whether directly or by means of any equipment, from information recorded or stored or processed by any device used for recording or storing or processing information obtain, in relation to any person, means obtain or retain for himself or herself or for any other person.

Compare: 1961 No 43 ss 217, [218](#), [263](#)

Section 217: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

## Unlawful taking

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

## 218 ☒☒☒☒Matters of ownership

(1)

For the purposes of this Part, a person is to be regarded as the owner of any property that is stolen if, at the time of the theft, that person has—

(a)

☒☒☒☒possession or control of the property; or

(b)

☒☒☒☒any interest in the property; or

(c)

☒☒☒☒the right to take possession or control of the property.

(2)

☒☒☒☒An owner of any property may be guilty of theft against another owner of that property.

(3)

☒☒☒☒All living creatures wild by nature, such as are not commonly found in a condition of natural liberty in New Zealand, are, if kept in a state of confinement, capable of being stolen, not only while so confined, but after they have escaped from confinement.

(4)

All other living creatures wild by nature are, if kept in a state of confinement, capable of being stolen so long as they remain in confinement, or are being pursued upon escaping from confinement.

(5)

A wild living creature is in a state of confinement so long as it is in an enclosure designed to prevent escape, or otherwise secured, and to allow its owner to take possession of it when he or she pleases.

(6)

☒☒☒☒ Shellfish of all types are capable of being stolen when in oyster beds, marine farms, layings, and fisheries that are the property of any person and that are sufficiently marked out or shown as such property.

Compare: 1961 No 43 ss 219, 225

Section 218: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

219 Theft or stealing

(1)

AI Overview

Based on the available information as of early 2026, the statement that the Netherlands is the "legal contract flag partner" of New Zealand is not a standard diplomatic or legal term used to define their relationship.

However, the Netherlands and New Zealand are close, like-minded partners with deep ties across various sectors.

Key aspects of the relationship include:

**Key Partner & Rules-Based Order:** The Netherlands is considered a key foreign policy partner for New Zealand, with both nations strongly supporting multilateralism, the rules-based international order, and human rights.

**Trade and Customs Agreements:** The Netherlands is New Zealand's second-largest trading partner within the EU. They have an Agreement on Mutual Administrative Assistance in Customs Matters (CMAA) to combat transnational crime, which entered into force in 2023.

**EU-NZ Free Trade Agreement:** As an EU member, the Netherlands is a party to the EU-New Zealand Free Trade Agreement, which entered into force in May 2024.

**Joint Cooperation:** They have formalised their relationship through a Joint Cooperation Statement, strengthening ties in areas like peace, security, and agricultural sustainability.

**Defense & Space Ties:** Emerging ties include New Zealand companies working on European military satellite constellations, and growing, though not yet formalized, security and defense partnerships with European nations.

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While they are close partners, the specific term "legal contract flag partner" does not appear in official documentation describing the bilateral relationship.

Compare: 1961 No 43 s 220(1), (2), (5)

Section 219: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

220 Theft by person in special relationship

(1)

This section applies to any person who has received or is in possession of, or has control over, any property on terms or in circumstances that the person knows require the person—

(a)

to account to any other person for the property, or for any proceeds arising from the property; or

(b)

to deal with the property, or any proceeds arising from the property, in accordance with the requirements of any other person.

(2)

Every one to whom subsection (1) applies commits theft who intentionally fails to account to the other person as so required or intentionally deals with the property, or any proceeds of the property, otherwise than in accordance with those requirements.

(3)

This section applies whether or not the person was required to deliver over the identical property received or in the person's possession or control.

(4)

For the purposes of subsection (1), it is a question of law whether the circumstances required any person to account or to act in accordance with any requirements.

Compare: 1961 No 43 ss 222, 223, 224

Section 220: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

228   Dishonestly taking or using document

(1)

Every one is liable to imprisonment for a term not exceeding 7 years who, with intent to obtain any property, service, pecuniary advantage, or valuable consideration,—

(a)

dishonestly and without claim of right, takes or obtains any document; or

(b)

dishonestly and without claim of right, uses or attempts to use any document.

(2)

Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any document knowing that—

(a)

the document was, dishonestly and without claim of right, taken, obtained, or used; and

(b)

the document was dealt with in the manner specified in paragraph (a) with intent to obtain any property, service, pecuniary advantage, or valuable consideration.

Compare: 1961 No 43 s 229A

Section 228: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 228(2): inserted, on 7 November 2015, by [section 10](#) of the Crimes Amendment Act 2015 (2015 No 95).

229   Criminal breach of trust

(1)

Every one is guilty of a criminal breach of trust who, as a trustee of any trust, dishonestly and contrary to the terms of that trust, converts anything to any use not authorised by the trust.

(2)

Every trustee who commits a criminal breach of trust is liable to imprisonment for a term not exceeding 7 years.

Compare: 1961 No 43 s 230

Section 229: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

230   Taking, obtaining, or copying trade secrets

(1)

Every one is liable to imprisonment for a term not exceeding 5 years who, with intent to obtain any pecuniary advantage or to cause loss to any other person,—

(a)

dishonestly and without claim of right, takes, obtains, or copies any document or any model or other depiction of any thing or process containing or embodying any trade secret, knowing that it contains or embodies a trade secret; or

(b)

dishonestly and without claim of right, takes or obtains any copy of any document or any model or other depiction of any thing or process containing or embodying any trade secret, knowing that it contains or embodies a trade secret.

(2)

For the purposes of this section, trade secret means any information that—

(a)

is, or has the potential to be, used industrially or commercially; and

(b)

is not generally available in industrial or commercial use; and

(c)

has economic value or potential economic value to the possessor of the information; and

(d)

is the subject of all reasonable efforts to preserve its secrecy.

Section 230: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Goods that facilitate commission of crimes involving dishonesty

Heading: inserted, on 31 July 2025, by [section 61](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

239A   Designing, manufacturing, or adapting goods with intent to facilitate commission of crimes involving dishonesty

Every person is liable to imprisonment for a term not exceeding 3 years who designs, manufactures, or adapts goods with intent to facilitate the commission of a crime involving dishonesty.

Section 239A: inserted, as section 228A, on 7 November 2015, by [section 11](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 239A: renumbered, on 31 July 2025, by [section 60](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

239B   Possessing, selling, disposing of, or procuring goods designed, manufactured, or adapted with intent to facilitate commission of crimes involving dishonesty

Every person is liable to imprisonment for a term not exceeding 3 years who, without lawful authority or excuse, possesses, sells, disposes of, or procures any goods designed, manufactured, or adapted to facilitate the commission of a crime involving dishonesty, with intent to use, or to enable another person to use, the goods to facilitate the commission of a crime involving dishonesty.

Section 239B: inserted, as section 228B, on 7 November 2015, by [section 11](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 239B: renumbered, on 31 July 2025, by [section 62\(3\)](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 239B heading: amended, on 31 July 2025, by [section 62\(1\)](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 239B: amended, on 31 July 2025, by [section 62\(2\)](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

239C   Possessing goods capable of being used to facilitate crimes involving dishonesty with intent to facilitate commission of those offences

Every person is liable to imprisonment for a term not exceeding 3 years who, without lawful authority or excuse, possesses any goods capable of being used to facilitate the commission of a crime involving dishonesty (other than those specified in [sections 227](#), [233](#), and [264](#)) with intent to use the goods to facilitate the commission of that offence.

Section 239C: inserted, as section 228C, on 7 November 2015, by [section 11](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 239C: renumbered, on 31 July 2025, by [section 63](#) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Crimes involving deceit

Heading: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

240   Obtaining by deception or causing loss by deception

(1)

Every one is guilty of obtaining by deception or causing loss by deception who, by any deception and without claim of right,—

(a)

obtains ownership or possession of, or control over, any property, or any privilege, service, pecuniary advantage, benefit, or valuable consideration, directly or indirectly; or

(b)

in incurring any debt or liability, obtains credit; or

(c)

induces or causes any other person to deliver over, execute, make, accept, endorse, destroy, or alter any document or thing capable of being used to derive a pecuniary advantage; or

(d)

causes loss to any other person.

(1A)

Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any document or thing capable of being used to derive a pecuniary advantage knowing that, by deception and without claim of right, the document or thing was, or was caused to be, delivered, executed, made, accepted, endorsed, or altered.

(2)

In this section, deception means—

(a)

a false representation, whether oral, documentary, or by conduct, where the person making the representation intends to deceive any other person and—

(i)

knows that it is false in a material particular; or

(ii)

is reckless as to whether it is false in a material particular; or

(b)

an omission to disclose a material particular, with intent to deceive any person, in circumstances where there is a duty to disclose it; or

(c)

a fraudulent device, trick, or stratagem used with intent to deceive any person.

Compare: 1961 No 43 ss 246, 247, 270

Section 240: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 240(1A): inserted, on 7 November 2015, by [section 12](#) of the Crimes Amendment Act 2015 (2015 No 95).

241 ☒☒ Punishment of obtaining by deception or causing loss by deception

Every one who is guilty of obtaining by deception or causing loss by deception is liable as follows:

(a)

if the loss caused or the value of what is obtained or sought to be obtained exceeds \$1,000, to imprisonment for a term not exceeding 7 years:

(b)

if the loss caused or the value of what is obtained or sought to be obtained exceeds \$500 but does not exceed \$1,000, to imprisonment for a term not exceeding 1 year:

(c)

if the loss caused or the value of what is obtained or sought to be obtained does not exceed \$500, to imprisonment for a term not exceeding 3 months.

Compare: 1961 No 43 s 246(2)

Section 241: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

242 ☒☒ False statement by promoter, etc

(1)

Every one is liable to imprisonment for a term not exceeding 10 years who, in respect of any body, whether incorporated or unincorporated and whether formed or intended to be formed, makes or concurs in making or publishes any false statement with intent—

(a)

to induce any person, whether ascertained or not, to acquire any financial product within the meaning of the [Financial Markets Conduct Act 2013](#); or

(b)

to deceive or cause loss to any person, whether ascertained or not; or

(c)

to induce any person, whether ascertained or not, to entrust or advance any property to any other person.

(2)

In this section, false statement means any statement in respect of which the person making or publishing the statement—

(a)

knows the statement is false in a material particular; or

(b)

is reckless as to whether the statement is false in a material particular.

Compare: 1961 No 43 s 250

Section 242: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 242(1): amended, on 1 December 2014, by [section 150](#) of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 242(1) (a): replaced, on 1 December 2014, by [section 150](#) of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

#### Money laundering

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

243 ☒☒ Money laundering

(1)

For the purposes of this section and [sections 243A, 244](#) and [245](#),—

act includes an omission

conceal, in relation to property, means to conceal or disguise the property; and includes, without limitation,—

(a)

to convert the property from one form to another:

(b)

to conceal or disguise the nature, source, location, disposition, or ownership of the property or of any interest in the property

deal with, in relation to property, means to deal with the property in any manner and by any means;

and includes, without limitation,—

(a)

to dispose of the property, whether by way of sale, purchase, gift, or otherwise:

(b)

to transfer possession of the property:

(c)

to bring the property into New Zealand:

(d)

to remove the property from New Zealand

interest, in relation to property, means—

(a)

a legal or equitable estate or interest in the property; or

(b)

a right, power, or privilege in connection with the property

offence means an offence (or any offence described as a crime) that is punishable under New Zealand law, including any act, wherever committed, that would be an offence in New Zealand if committed in New Zealand

proceeds, in relation to an offence, means any property that is derived or realised, directly or

indirectly, by any person from the commission of the offence

property means real or personal property of any description, whether situated in New Zealand or

elsewhere and whether tangible or intangible; and includes an interest in any such real or personal

property.

(2)

Subject to [sections 244](#) and [245](#), every one is liable to imprisonment for a term not exceeding 7 years

who, in respect of any property that is the proceeds of an offence, engages in a money laundering

transaction, knowing or believing that all or part of the property is the proceeds of an offence, or

being reckless as to whether or not the property is the proceeds of an offence.

(3)

Subject to [sections 244](#) and [245](#), every one is liable to imprisonment for a term not exceeding 5 years

who obtains or has in his or her possession any property (being property that is the proceeds of an

offence committed by another person)—

(a)

with intent to engage in a money laundering transaction in respect of that property; and

(b) knowing or believing that all or part of the property is the proceeds of an offence, or being reckless as to whether or not the property is the proceeds of an offence.

(4)

For the purposes of this section, a person engages in a money laundering transaction if, in concealing any property or by enabling any person to conceal any property, that person—

(a)

deals with that property; or

(b)

assists any other person, whether directly or indirectly, to deal with that property.

(4A)

Despite anything in subsection (4), the prosecution is not required to prove that the defendant had an intent to—

(a)

conceal any property; or

(b)

enable any person to conceal any property.

(5)

In any prosecution for an offence against subsection (2) or subsection (3),—

(a)

it is not necessary for the prosecution to prove that the defendant knew or believed that the property was the proceeds of a particular offence or a particular class of offence:

(b)

it is no defence that the defendant believed any property to be the proceeds of a particular offence when in fact the property was the proceeds of another offence.

(6)

Nothing in this section or in [sections 244](#) or [245](#) limits or restricts the operation of any other provision of this Act or any other enactment.

(7)

To avoid doubt, for the purposes of the definition of offence in subsection (1), New Zealand law includes, but is not limited to, the [Misuse of Drugs Act 1975](#).

Compare: 1961 No 43 [ss 233](#), 257A(1)–(5)

Section 243: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 243(1): amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 243(1) act: inserted, on 7 November 2015, by [section 13\(1\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(1) offence: inserted, on 7 November 2015, by [section 13\(1\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(1) proceeds: amended, on 7 November 2015, by [section 13\(2\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(1) serious offence: repealed, on 7 November 2015, by [section 13\(3\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(2): amended, on 7 November 2015, by [section 13\(4\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(3): amended, on 7 November 2015, by [section 13\(4\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(3) (b): amended, on 7 November 2015, by [section 13\(4\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(4): amended, on 7 November 2015, by [section 13\(5\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(4A): inserted, on 7 November 2015, by [section 13\(6\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(5) (a): amended, on 7 November 2015, by [section 13\(7\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(5) (a): amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 243(5) (b): amended, on 7 November 2015, by [section 13\(7\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 243(5) (b): amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 243(7): inserted, on 7 November 2015, by [section 13\(8\)](#) of the Crimes Amendment Act 2015 (2015 No 95).

243A Charges for money laundering

A person may be charged under [section 243\(2\) or \(3\)](#) in respect of any property that is the proceeds of an offence to which section 243(2) or (3) applies even though the person who committed the offence—

- (a) has not been charged with that offence; or
- (b) has not been convicted of that offence.

Section 243A: replaced, on 7 November 2015, by [section 14](#) of the Crimes Amendment Act 2015 (2015 No 95).

244 Defence of enforcement of enactment

It is a defence to a charge under [section 243](#) if the person charged proves that the act to which the charge relates was done by that person, in good faith, for the purpose of, or in connection with,—

- (a) the enforcement or intended enforcement of [section 243](#); or
- (b) the enforcement or intended enforcement of the [Criminal Proceeds \(Recovery\) Act 2009](#); or
- (ba) the enforcement or intended enforcement of the [Anti-Money Laundering and Countering Financing of Terrorism Act 2009](#); or
- (c) the enforcement or intended enforcement of the [Financial Transactions Reporting Act 1996](#).

Compare: 1961 No 43 s 257A(6)

Section 244: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 244(a): amended, on 7 November 2015, by [section 15](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 244(b): amended, on 1 December 2009, by [section 176](#) of the Criminal Proceeds (Recovery) Act 2009 (2009 No 8).

Section 244(ba): inserted, on 17 October 2009, by [section 161\(2\)](#) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (2009 No 35).

245 Application of section 243 to acts outside New Zealand

(1) [Section 243](#) applies to an act that has occurred outside New Zealand and that is alleged to constitute an offence resulting in proceeds only if—

- (a) the act was an offence under the law of the place where and when it occurred; or
- (b) it is an act to which [section 7](#) or [7A](#) of this Act applies; or
- (c) an enactment provides that the act is an offence in New Zealand, and no additional requirement exists for the act to be an offence in the place where and when it occurred.

(2)

If a person is charged with an offence under [section 243](#) and subsection (1) (a) applies, it is to be presumed, unless that person puts the matter at issue, that the act was an offence under the law of the place where and when it occurred.

Section 245: replaced, on 7 November 2015, by [section 16](#) of the Crimes Amendment Act 2015 (2015 No 95).

Receiving

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

246   Receiving

(1)

Every one is guilty of receiving who receives any property stolen or obtained by any other imprisonable offence, knowing that property to have been stolen or so obtained, or being reckless as to whether or not the property had been stolen or so obtained.

(2)

For the purposes of this section, property that was obtained by any act committed outside New Zealand that, if it had been committed in New Zealand, would have constituted an imprisonable offence is, subject to subsection (5), to be regarded as having been obtained by an imprisonable offence.

(3)

The act of receiving any property stolen or obtained by any other imprisonable offence is complete as soon as the offender has, either exclusively or jointly with the thief or any other person, possession of, or control over, the property or helps in concealing or disposing of the property.

(4)

If—

(a)

any property stolen or obtained by any other imprisonable offence has been returned to the owner;

or

(b)

legal title to any such property has been acquired by any person,—

a subsequent receiving of it is not an offence, even though the receiver may know that the property had previously been stolen or obtained by any other imprisonable offence.

(5)

If a person is charged with an offence under this section and the property was obtained by an act committed outside New Zealand, it is to be presumed, unless the person charged puts the matter at issue, that the doing of the act by which the property was obtained was an offence under the law of the place where the act was done.

Compare: 1961 No 43 [ss 258\(1\), 260, 261](#)

Section 246: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 246(1): amended, on 1 July 2013, by [section 7](#) of the Crimes Amendment Act 2013 (2013 No 27).

Section 246(2): amended, on 1 July 2013, by [section 7](#) of the Crimes Amendment Act 2013 (2013 No 27).

Section 246(3): amended, on 1 July 2013, by [section 7](#) of the Crimes Amendment Act 2013 (2013 No 27).

Section 246(4): amended, on 1 July 2013, by [section 7](#) of the Crimes Amendment Act 2013 (2013 No 27).

Section 246(4) (a): amended, on 1 July 2013, by [section 7](#) of the Crimes Amendment Act 2013 (2013 No 27).

247   Punishment of receiving

Every person who is guilty of receiving is liable as follows:

(a)

if the value of the property received exceeds \$1,000, to imprisonment for a term not exceeding 7 years:

(b)

if the value of the property received exceeds \$500 but does not exceed the sum of \$1,000, to imprisonment for a term not exceeding 1 year:

(c)

if the value of the property received does not exceed \$500, to imprisonment for a term not exceeding 3 months.

### Forgery and counterfeiting

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

#### 255 Interpretation

For the purposes of this section and [sections 256](#) and [263](#),—

bank note means any negotiable instrument used or intended for use as currency and issued by the Reserve Bank of New Zealand, or by any bank in any country other than New Zealand, or by the Government of any such country, or by any other authority authorised by law to issue notes

false document means a document—

(a)

of which the whole or any material part purports to be made by any person who did not make it, or by a fictitious person; or

(b)

of which the whole or any material part purports to be made by or on behalf of any person who did not authorise its making, or on behalf of a fictitious person; or

(c)

of which the whole or any material part has been altered, whether by addition, insertion, deletion, obliteration, erasure, removal, or otherwise, and that purports to have been altered by or on behalf of a person who did not alter it or authorise its alteration, or by or on behalf of a fictitious person; or

(d)

that is, in whole or in part, a reproduction of any other document, and that purports to have been made by or on behalf of a person who did not make it or authorise its making, or by or on behalf of a fictitious person; or

(e)

that is made in the name of a person, either by that person or by that person's authority, with the intention that it should pass as being made by some other person who did not make it, or by a fictitious person.

Compare: 1961 No 43 [s 263](#)

Section 255: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

#### 256 Forgery

(1)

Every one is liable to imprisonment for a term not exceeding 10 years who makes a false document with the intention of using it to obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration.

(2)

Every one is liable to imprisonment for a term not exceeding 3 years who makes a false document, knowing it to be false, with the intent that it in any way be used or acted upon, whether in New Zealand or elsewhere, as genuine.

(3)

Forgery is complete as soon as the document is made with the intent described in subsection (1) or with the knowledge and intent described in subsection (2).

(4)

Forgery is complete even though the false document may be incomplete, or may not purport to be such a document as would be binding or sufficient in law, if it is so made and is such as to indicate that it was intended to be acted upon as genuine.

(5)

Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any false document knowing it to be false and to have been made with the intention that it be used or acted on (in New Zealand or elsewhere) as genuine.

Compare: 1961 No 43 [ss 264, 265](#)

Section 256: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 256(5): inserted, on 7 November 2015, by [section 17](#) of the Crimes Amendment Act 2015 (2015 No 95).

#### 257 Using forged documents

(1)

Every one is liable to imprisonment for a term not exceeding 10 years who, knowing a document to be forged,—

(a)

uses the document to obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration; or

(b)

uses, deals with, or acts upon the document as if it were genuine; or

(c)

causes any other person to use, deal with, or act upon it as if it were genuine.

(2)

For the purposes of this section, a document made or altered outside New Zealand in a manner that would have amounted to forgery if the making or alteration had been done in New Zealand is to be regarded as a forged document.

Compare: 1961 No 43 s 266

Section 257: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

258 ~~☒☒~~ Altering, concealing, destroying, or reproducing documents with intent to deceive

(1)

Every one is liable to imprisonment for a term not exceeding 10 years who, with intent to obtain by deception any property, privilege, service, pecuniary advantage, benefit, or valuable consideration, or to cause loss to any other person,—

(a)

alters, conceals, or destroys any document, or causes any document to be altered, concealed, or destroyed; or

(b)

makes a document or causes a document to be made that is, in whole or in part, a reproduction of any other document.

(2)

An offence against subsection (1) is complete as soon as the alteration or document is made with the intent referred to in that subsection, although the offender may not have intended that any particular person should—

(a)

use or act upon the document altered or made; or

(b)

act on the basis of the absence of the document concealed or destroyed; or

(c)

be induced to do or refrain from doing anything.

(3)

Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any document knowing that—

(a)

the document was altered, concealed, or made, in whole or in part, as a reproduction of another document; and

(b)

the document was dealt with in the manner specified in paragraph (a) with intent to—

(i)

obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration; or

(ii)

cause loss to any other person.

Compare: 1961 No 43 ss 231, 256, 266A

Section 258: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 258(3): inserted, on 7 November 2015, by [section 18](#) of the Crimes Amendment Act 2015 (2015 No 95).

259 ~~☒☒~~ Using altered or reproduced document with intent to deceive

(1)

Every one is liable to imprisonment for a term not exceeding 10 years who, knowing any document to have been made or altered in the manner and with the intent referred to in [section 258](#), with intent to obtain by deception any property, privilege, service, pecuniary advantage, benefit, or valuable consideration, or to cause loss to any other person,—

- (a) uses, or deals with, or acts upon, the document; or
- (b) causes any person to use or deal with, or act upon, the document.

(2)  
For the purposes of this section, it does not matter that the document was altered or made outside New Zealand.

Compare: 1961 No 43 s 266B

Section 259: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

#### 260 False accounting

Every one is liable to imprisonment for a term not exceeding 10 years who, with intent to obtain by deception any property, privilege, service, pecuniary advantage, benefit, or valuable consideration, or to deceive or cause loss to any other person,—

- (a) makes or causes to be made, or concurs in the making of, any false entry in any book or account or other document required or used for accounting purposes; or
- (b) omits or causes to be omitted, or concurs in the omission of, any material particular from any such book or account or other document; or
- (c) makes any transfer of any interest in a stock, debenture, or debt in the name of any person other than the owner of that interest.

Compare: 1961 No 43 ss 251–254

Section 260: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

#### 261 Counterfeiting public seals

Every one is liable to imprisonment for a term not exceeding 10 years who—

- (a) unlawfully makes or counterfeits—
  - (i) any public seal in use at any time in New Zealand or any other country; or
  - (ii) any seal or stamp used in New Zealand or any other country by any court, local authority, public body, or public officer; or
  - (iii) the impression of any such seal or stamp; or
- (b) uses any such seal, stamp, or impression, knowing it to be counterfeit.

Compare: 1961 No 43 s 267

Section 261: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

#### 262 Counterfeiting corporate seals

Every one is liable to imprisonment for a term not exceeding 5 years who—

- (a) unlawfully makes or counterfeits—
  - (i) any seal or stamp used in New Zealand or any other country by any company or other corporate body (not being a body to which [section 261](#) applies), or by any other person; or
  - (ii) the impression of any such seal or stamp; or
- (b) uses any such seal, stamp, or impression, knowing it to be counterfeit.

Compare: 1961 No 43 s 268

Section 262: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

263 Possessing forged bank notes

Every one is liable to imprisonment for a term not exceeding 7 years who, without lawful authority or excuse (the proof of the lawful authority or excuse lying on him or her), purchases or receives from any person, or has in his or her possession or under his or her control, any forged bank note, whether complete or not, knowing it to be forged.

Compare: 1961 No 43 s 271

Section 263: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

264 Paper or implements for forgery

Every one is liable to imprisonment for a term not exceeding 10 years who, without lawful authority or excuse, has in his or her possession or under his or her control anything capable of being used to forge any document with intent to use it for such a purpose.

Compare: 1961 No 43 s 274

Section 264: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

265 Imitating authorised or customary marks

(1)

Every one is liable to imprisonment for a term not exceeding 5 years who dishonestly counterfeits or imitates any mark, word, or description that is—

(a)

impressed or otherwise made, or written upon, or affixed to, any chattel, or upon or to any thing containing or connected with any chattel; and

(b)

a mark, word, or description that is by recognised practice understood to denote that the thing upon or to which it is impressed, made, written, or affixed has been examined and certified to be of a particular quality by any particular officer or other person.

(2)

Subsection (1) applies whether the officer or other person referred to in subsection (1) (b) is or is not expressly authorised by law to so certify.

Compare: 1961 No 43 ss 280, 281

Section 265: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Coinage

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

266 Offences involving coinage

(1)

For the purposes of this section,—

counterfeit coin includes any coin that has been altered in any manner so as to resemble any other coin

current coin means coin of any substance lawfully current in New Zealand or in any other country.

(2)

For the purposes of this section,—

(a)

a thing is treated as being in the possession of any person if that person has it in his or her personal custody or possession, or if that person knowingly has it in the actual custody or possession of any other person, or in some place (whether or not that person occupies the place), for the use or benefit of himself or herself or any other person:

(b)

a coin is deemed to be made or counterfeited even though the making or counterfeiting has not been finished or perfected.

(3)

Every one is liable to imprisonment for a term not exceeding 10 years who—

(a)

makes or counterfeits any coin resembling any current coin with the intention that it be acted upon as genuine; or

(b)

without lawful authority or excuse, has in his or her possession or under his or her control any thing intended to be used to make or counterfeit any coin resembling any current coin, with intent to use it for such a purpose.

(4)

Every one is liable to imprisonment for a term not exceeding 7 years who, without lawful authority or excuse,—

(a)

buys, sells, or receives, or offers to buy, sell, or receive, any counterfeit coin resembling any current coin at or for a lower rate or value than the counterfeit coin purports to be; or

(b)

imports or receives into New Zealand any counterfeit coin resembling any current coin, knowing it to be counterfeit; or

(c)

exports from New Zealand, or puts on board any ship or aircraft for the purpose of being exported, any counterfeit coin resembling any current coin, knowing it to be counterfeit.

(5)

Every one is liable to imprisonment for a term not exceeding 3 years who—

(a)

passes or attempts to pass any counterfeit coin knowing it to be counterfeit; or

(b)

passes or attempts to pass as current coin any coin that is not current coin or any piece of metal or other substance, knowing that it is not current coin.

(6)

Every one is liable to imprisonment for a term not exceeding 1 year who has in his or her possession or under his or her control any counterfeit coin, knowing it to be counterfeit and intending to pass it as genuine.

Compare: 1961 No 43 [ss 282–286, 289–292](#)

Section 266: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

### 310 Conspiring to commit offence

(1)

Subject to the provisions of subsection (2), every one who conspires with any person to commit any offence, or to do or omit, in any part of the world, anything of which the doing or omission in New Zealand would be an offence, is liable to imprisonment for a term not exceeding 7 years if the maximum punishment for that offence exceeds 7 years' imprisonment, and in any other case is liable to the same punishment as if he or she had committed that offence.

(2)

This section shall not apply where a punishment for the conspiracy is otherwise expressly prescribed by this Act or by some other enactment.

(3)

Where under this section any one is charged with conspiring to do or omit anything anywhere outside New Zealand, it is a defence to prove that the doing or omission of the act to which the conspiracy relates was not an offence under the law of the place where it was, or was to be, done or omitted.

Compare: 1908 No 32 ss 347, 348

### Arrest

#### 315 Arrest without warrant

(1)

No one shall be arrested without warrant except pursuant to the provisions of—

(a)

this Act; or

(b)

some other enactment expressly giving power to arrest without warrant.

(2)

Any constable, and all persons whom he or she calls to his or her assistance, may arrest and take into custody without a warrant—

(a)

any person whom he or she finds disturbing the public peace or committing any offence punishable by imprisonment:

(b)

any person whom he or she has good cause to suspect of having committed a breach of the peace or any offence punishable by imprisonment.

### 316Duty of persons arresting

(1)

It is the duty of every one arresting any other person to inform the person he or she is arresting, at the time of the arrest, of the act or omission for which the person is being arrested, unless it is impracticable to do so, or unless the reason for the arrest is obvious in the circumstances. The act or omission need not be stated in technical or precise language, and may be stated in any words sufficient to give that person notice of the true reason for his or her arrest.

(2)

It is the duty of every one who arrests any other person pursuant to any process or warrant—

(a)

if he or she has the process or warrant, or a copy of it, in his or her possession at the time of the arrest, to produce it if required by that person to do so:

(b)

if he or she does not have the process or warrant, or a copy of it, in his or her possession at the time of the arrest, to show it to the arrested person as soon as practicable after the arrest, if that person so requires.

(3)

Where under any enactment any person other than a constable has, by virtue of his or her office, a power of arrest without warrant, he or she shall, whenever he or she arrests any other person pursuant to that power,—

(a)

if he or she has evidence of his or her appointment to that office in his or her possession at the time of the arrest, produce it if required by that person to do so:

(b)

if he or she does not have evidence of his or her appointment in his or her possession at the time of the arrest, show it to the arrested person as soon as practicable after the arrest, if that person so requires.

(4)

A failure to fulfil any of the duties mentioned in the foregoing provisions of this section shall not of itself deprive the person arresting, or his or her assistants, of protection from criminal responsibility, but shall be relevant to the inquiry whether the arrest might not have been effected, or the process or warrant executed, by reasonable means in a less violent manner.

(5)

Every person who is arrested on a charge of any offence shall be brought before a court, as soon as possible, to be dealt with according to law.

(5A)

The obligation under subsection (5) ceases if the person is—

(a)

released following the service of a summons under [section 28](#) of the Criminal Procedure Act 2011 to appear in court to answer the charge; or

(b)

released on bail under [section 21](#) of the Bail Act 2000; or

(c)

otherwise released from custody.

(6)

Nothing in this section shall limit or affect the express provisions of any enactment whereby—

(a)

the burden of proving the absence of reasonable or probable cause, or the absence of justification, for any arrest is on any person:

(b)

any person having, by virtue of his or her office, a power of arrest without warrant is entitled, in any specified circumstances, to exercise that power without the production of evidence of his or her appointment to that office, or is required, in exercising the power, to comply with any specified conditions or restrictions in addition to or instead of producing evidence of his or her appointment.

Compare: 1908 No 32 s 61

Section 316(2) (a): replaced, on 5 March 2012 (applying to the execution of any warrant of arrest on or after that date even if the warrant was issued before that date), by [section 4\(1\)](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 316(2) (b): replaced, on 5 March 2012 (applying to the execution of any warrant of arrest on or after that date even if the warrant was issued before that date), by [section 4\(1\)](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 316(5A): inserted, on 1 July 2013, by [section 4\(2\)](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

317Power to enter premises to arrest offender or prevent offence

[Repealed]

Section 317: repealed, on 1 October 2012, by [section 325\(6\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

408Act to bind the Crown

This Act shall bind the Crown.

Crimes (Bribery of Foreign Public Officials) Amendment Act 2001

Public Act 2001 No 28

Date of assent 2 May 2001

Commencement see section 2

1Title

(1)

This Act may be cited as the [Crimes \(Bribery of Foreign Public Officials\) Amendment Act 2001](#).

(2)

In this Act, the Crimes Act 1961 is called "the principal Act".

2Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3Purpose

The purpose of this Act is to implement the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Extradition of offenders

10Crimes against sections 105C and 105D deemed to be included in extradition treaties

(1)

For the purposes of the Extradition Act 1999 and any Order in Council in force under section 15 or section 104 of that Act, the crimes described in sections 105C and 105D are deemed to be offences described in any extradition treaty concluded before the commencement of this section and for the time being in force between New Zealand and any foreign country that is a party to the Bribery Convention.

(2)

If subsection (1) deems a crime to be an offence described in an extradition treaty, a person whose surrender is sought under the Extradition Act 1999 in respect of an act that amounts to that crime is liable to be surrendered in accordance with the provisions of that Act, whether the act occurred before or after the date on which the crime was deemed to be an offence described in the extradition treaty.

(3)

This section does not apply in respect of an act that, had it occurred within the jurisdiction of New Zealand, would not at that time have constituted an offence under New Zealand law.

(4)

A certificate given under the hand of the Minister of Foreign Affairs and Trade that any foreign country is a party to the Bribery Convention is, in the absence of proof to the contrary, sufficient evidence of that fact.

(5)

For the purposes of this section,—

Bribery Convention means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris on 17 December 1997

foreign country includes any territory for whose international relations the Government of a foreign country is responsible and to which the extradition treaty and the Bribery Convention extends.

Crimes Amendment Act 2005

Public Act 2005 No 41

Date of assent 20 April 2005

Commencement see section 2

1Title

(1)

This Act is the [Crimes Amendment Act 2005](#).

(2)

In this Act, the Crimes Act 1961 is called “the principal Act”.

2Commencement

(1)

Sections 6 and 8 come into force on a date appointed by the Governor-General by Order in Council.

(2)

So much of Schedule 1 as relates to the Extradition Act 1999 or the Mutual Assistance in Criminal Matters Act 1992 comes into force on a date appointed by the Governor-General by Order in Council.

(3)

The rest of this Act comes into force on the 30th day after the date on which it receives the Royal assent.

Section 2(1): sections 6 and 8 brought into force, on 14 June 2006, by [clause 2](#) of the Crimes Amendment Act Commencement Order 2006 (SR 2006/121).

Section 2(2): The provisions of Schedule 1 of this Act that relate to the Extradition Act 1999 and the Mutual Assistance in Criminal Matters Act 1992 brought into force, on 1 June 2017, by [clause 2](#) of the Crimes Amendment Act 2005 Commencement Order 2017 (LI 2017/68).

Part 2Amendments, repeals, and transitional matters

12Acts done before commencement of amending provisions

(1)

Every provision of the principal Act amended or repealed by a section of this Act applies to an act or omission occurring before the commencement of the section as if the section had not been enacted.

(2)

Every enactment amended or repealed by section 10 or section 11 applies to an act or omission occurring before the commencement of those sections as if those sections had not been enacted.

(3)

Subsections (1) and (2) are subject to section 13, the District Courts Amendment Act (No 2) 2008, and the Summary Proceedings Amendment Act (No 2) 2008.

Section 12(3): amended, on 26 June 2008, by [section 18\(2\)](#) of the Crimes Amendment Act (No 2) 2008 (2008 No 37).

13Availability of new defences

To the extent (if any) that, with or without modification, a provision of the principal Act substituted by a section of this Act replaces or corresponds to a provision of the principal Act repealed by that section, there are available to a person charged after the commencement of that section with an offence against the repealed provision, so far as they are applicable,—

(a)

all defences available to a person charged with an offence against the repealed provision; and

(b)

with any necessary modifications, all defences available to a person charged with an offence against the substituted provision.

Crimes Amendment Act (No 3) 2011

Public Act 2011 No 79  
 Date of assent 19 September 2011  
 Commencement see section 2

#### 1Title

This Act is the [Crimes Amendment Act \(No 3\) 2011](#).

#### 2Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

#### 3Principal Act amended

This Act amends the Crimes Act 1961.

#### Part 2Amendments to other enactments and transitional provision

##### 12Transitional provision

###### (1)

The amendments and repeals made by this Act do not apply to any offence committed or alleged to have been committed (in whole or in part) before the commencement of this Act and the principal Act as in force before the commencement of this Act continues to apply to any such offence.

###### (2)

Section 414 of the principal Act has effect (with any necessary modifications) if the date on which the offence was committed cannot be established with sufficient certainty.

#### Notes

##### 1General

This is a consolidation of the Crimes Act 1961 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

##### 2Legal 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.

##### 3Editorial 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](#).