

No. 7 of 2018.

*Summary Offences (Amendment) Act 2018.*

Certified on : 19 JUL 2019



No. 7 of 2018.

***Summary Offences (Amendment) Act 2018.***

**ARRANGEMENT OF SECTIONS.**

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60. Driving, etc., on footpath (Amendment of Section 67).
61. Failure to comply with directions of a member of the police force (Amendment of Section 68).

**PART III. - MISCELLANEOUS.**

62. Repeal and replacement of Section 69.

**“69. TIME LIMIT ON BRINGING CHARGES.”.**

63. Regulations (Amendment of Section 70).



No. 7 of 2018.

AN ACT

entitled

***Summary Offences (Amendment) Act 2018,***

Being an Act to amend the ***Summary Offences Act*** (Chapter 264), to update the penalties for offences and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State acting, and in accordance with, the advice of the Minister.

**PART I. - PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the ***Constitution***, namely -

- (a) liberty of the person conferred by Section 42; and
- (b) freedom from forced labour conferred by Section 43; and
- (c) freedom from arbitrary search and entry conferred by Section 44; and
- (d) freedom of expression conferred by Section 46; and
- (e) freedom of assembly and association conferred by Section 47; and
- (f) right to privacy conferred by Section 49; and
- (h) freedom of movement conferred by Section 52,

is a law that is made pursuant to Section 38 of the ***Constitution*** that is necessary for the purpose of giving effect to the public interest in public safety, public order and public welfare and is reasonably justifiable in a democratic society having a proper respect and regard for the rights and dignity of mankind, taking into account the National Goals and Directive Principles and Basic Social Obligations, because of the risk that crime poses to public safety, public order and public welfare as well as to the successful economic and human development of Papua New Guinea and its citizens and to the stability of the State of Papua New Guinea.

**2. NEW SECTION 2A (PROSECUTION OF OFFENCES).**

The Principal Act is amended adding immediately after Section 2 the following new section:

**“2A. PROSECUTION OF OFFENCES.**

For the avoidance of doubt, each of the offences in this Act are simple offences to be tried summarily.”

*Summary Offences (Amendment)*

**PART II. - PENALTIES.**

**3. DRUNKENNESS (AMENDMENT OF SECTION 3).**

Section 3 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”.

**4. DRUNK AND DISORDERLY (AMENDMENT OF SECTION 4).**

Section 4 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**5. ASSAULT (AMENDMENT OF SECTION 6).**

Section 6 of the Principal Act is amended in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**6. PROVOKING A BREACH OF THE PEACE (AMENDMENT OF SECTION 7).**

Section 7 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**7. CAUSING A FIGHT (AMENDMENT OF SECTION 8).**

Section 8 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**8. INCITING TO FIGHT (AMENDMENT OF SECTION 9).**

Section 9 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**9. FIGHTING (AMENDMENT OF SECTION 10).**

Section 10 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**10. FALSE REPORTS (AMENDMENT OF SECTION 11).**

Section 11 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**11. CARRYING WEAPONS (AMENDMENT OF SECTION 12).**

Section 12 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**12. ADDING MATTER TO FOOD OR WATER (AMENDMENT OF SECTION 13).**

Section 13 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**13. VALUELESS CHEQUES (AMENDMENT OF SECTION 14).**

Section 14 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**14. FALSE PRETENCE (AMENDMENT OF SECTION 15).**

Section 15 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**15. PROPERTY REASONABLY SUSPECTED OF BEING STOLEN (AMENDMENT OF SECTION 16).**

Section 16 of the Principal Act is amended by repealing -

- (a) the words “HAVING BEEN” from the heading and replacing them with “BEING STOLEN”; and
- (b) the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

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**16. DISGUISES (AMENDMENT OF SECTION 17).**

Section 17 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**17. POSSESSION OF HOUSE BREAKING IMPLEMENTS (AMENDMENT OF SECTION 18).**

Section 18 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**18. REPEAL AND REPLACEMENT OF SECTION 19.**

Section 19 of the Principal Act is repealed and replaced with the following new section:

**“19. LOITERING WITH INTENT TO COMMIT AN OFFENCE.**

A person who -

(a) loiters in or near; or

(b) frequents,

a public place with intent to commit an offence is guilty of an offence.

Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**19. UNLAWFULLY ON PREMISES (AMENDMENT OF SECTION 20).**

Section 20 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**20. HABITUALLY IN THE COMPANY OF THIEVES (AMENDMENT OF SECTION 21).**

Section 21 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**21. ESCAPING FROM LAWFUL CUSTODY (AMENDMENT OF SECTION 22).**

Section 22 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**22. INDECENT EXPOSURE (AMENDMENT OF SECTION 23).**

Section 23 of the Principal Act is amended -

- (a) in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”; and

- (b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**23. INDECENT WRITING (AMENDMENT OF SECTION 24).**

Section 24 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**24. INDECENT DRAWINGS, ETC. (AMENDMENT OF SECTION 25).**

Section 25 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**25. POSSESSION, ETC., OF INDECENT, ETC., ARTICLE (AMENDMENT OF SECTION 25A).**

Section 25A of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**26. UNLAWFULLY DISTURBING HOUSEHOLDERS (AMENDMENT OF SECTION 26).**

Section 26 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.



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**27. ALLOWING DISTURBANCES ON LICENSED PREMISES (AMENDMENT OF SECTION 27).**

Section 27 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**28. USE OF MISSILES, FIREARMS, ETC. (AMENDMENT OF SECTION 28).**

Section 28 of the Principal Act is amended -

(a) in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”; and

(b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**29. EXPLODING FIREWORKS, ETC., IN A PUBLIC PLACE (AMENDMENT OF SECTION 29).**

Section 29 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**30. THROWING, ETC., FIREWORKS OR OTHER EXPLOSIVE MATERIAL (AMENDMENT OF SECTION 30).**

Section 30 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**31. WATERSKIING IN PROHIBITED AREA (AMENDMENT OF SECTION 31).**

Section 31 of the Principal Act is amended -

(a) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”; and

(b) in Subsection (5), by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”

**32. BURNING RUBBISH (AMENDMENT OF SECTION 32).**

Section 32 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”

**33. YARDS TO BE CLEAN AND FREE FROM OFFENSIVE SMELL (AMENDMENT OF SECTION 33).**

Section 33 of the Principal Act is amended -

- (a) by repealing the word “smells” from the heading and replacing it with “smell”; and
- (b) by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.

Default penalty: A fine not exceeding K1,000.00.”

**34. BREAKING GLASS IN A PUBLIC PLACE (AMENDMENT OF SECTION 34).**

Section 34 of the Principal Act is amended in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”

**35. DEAD ANIMALS (AMENDMENT OF SECTION 35).**

Section 35 of the Principal Act is amended in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”

**36. POLLUTING WATERCOURSES, ETC. (AMENDMENT OF SECTION 36).**

Section 36 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”

**37. OBSTRUCTING WATERCOURSES, ETC. (AMENDMENT OF SECTION 37).**

Section 37 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**38. FURTHER ORDERS RELATING TO THE REMOVAL OF RUBBISH, ETC. (AMENDMENT OF SECTION 38).**

Section 38 of the Principal Act is amended in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**39. FENCING HOLES, ETC. (AMENDMENT OF SECTION 39).**

Section 39 of the Principal Act is amended by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.

Default penalty: A fine not exceeding K2,000.00.”.

**40. REPEAL AND REPLACEMENT OF SECTION 40.**

Section 40 of the Principal Act is repealed and replaced with the following new section:

**“ 40. DANGERS, ETC. IN PUBLIC PLACES TO BE BARRICADED, ETC.**

A person who -

- (a) digs or causes to be dug, or who leaves or causes to be left, any hole; or
  - (b) creates or causes to be created, any other danger,
- in a public place or in an area adjacent to a public place, must -
- (c) immediately construct or cause to be constructed, a barrier around the hole or danger so as to provide reasonable protection from injury to those members of the public who may reasonably be expected to use that public place or that area.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.

Default penalty: A fine not exceeding K2,000.00.”.

**41. POSTING BILLS ON WALLS, ETC. (AMENDMENT TO SECTION 42).**

Section 42 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”; and

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- (b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding three months.”.

**42. WRITING ON OR DEFACING WALLS, ETC. (AMENDMENT OF SECTION 43).**

Section 43 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”; and

- (b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**43. DEFACING, ETC., STREET SIGNS (AMENDMENT OF SECTION 44).**

Section 44 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”; and

- (b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**44. CASTING BOATS ADRIFT (AMENDMENT OF SECTION 45).**

Section 45 of the Principal Act is amended in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**45. INTERFERENCE, ETC., WITH PUBLIC LIGHTING (AMENDMENT OF SECTION 46).**

Section 46 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”; and

- (b) in Subsection (3), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding six months.”.

**46. DAMAGING PROPERTY (AMENDMENT OF SECTION 47).**

Section 47 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**47. NEGLIGENT USE OF FIRE (AMENDMENT OF SECTION 48).**

Section 48 of the Principal Act is amended in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**48. STEALING (AMENDMENT OF SECTION 48C).**

Section 48C of the Principal Act is amended -

- (a) in Subsection (1) by -

- (i) deleting “K500.00” and replacing it with “K5,000.00”; and
- (ii) repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”; and

- (b) in Subsection (2) by -

- (i) deleting “K500.00” and replacing it with “K5,000.00”; and
- (ii) repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**49. PERSONS LIVING ON THE EARNINGS OF PROSTITUTION (AMENDMENT OF SECTION 55).**

Section 55 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

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**50. KEEPING A BROTHEL (AMENDMENT OF SECTION 56).**

Section 56 of the Principal Act is amended in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**51. SUPPRESSION OF BROTHELS (AMENDMENT OF SECTION 57).**

Section 57 of the Principal Act is amended by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years”.

Default Penalty: A fine not exceeding K4,000.00.”.

**52. CREATING FALSE BELIEF (AMENDMENT OF SECTION 58).**

Section 58 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**53. DELAYING OR WITHDRAWING AN INFORMATION FOR REWARD (AMENDMENT OF SECTION 59).**

Section 59 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**54. OBSTRUCTING, ETC., A MEMBER OF THE POLICE FORCE (AMENDMENT OF SECTION 60).**

Section 60 of the Principal Act is amended -

(a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”; and

(b) in Subsection (4), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

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**55. ASSAULTING A MEMBER OF THE POLICE FORCE (AMENDMENT OF SECTION 61).**

Section 61 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”; and

- (b) in Subsection (4), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**56. DRIVING, ETC., VEHICLE AT NIGHT WITHOUT LIGHT (AMENDMENT OF SECTION 63).**

Section 63 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**57. NEGLIGENT DRIVING, ETC. (AMENDMENT OF SECTION 64).**

Section 64 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K3,000.00 or imprisonment for a term not exceeding 12 months.”.

**58. DANGEROUS DRIVING (AMENDMENT OF SECTION 65).**

Section 65 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K4,000.00 or imprisonment for a term not exceeding two years.”.

**59. FAILURE TO KEEP TO THE LEFT (AMENDMENT OF SECTION 66).**

Section 66 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”.

**60. DRIVING, ETC., ON FOOTPATH (AMENDMENT OF SECTION 67).**

Section 67 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”

**61. FAILURE TO COMPLY WITH DIRECTIONS OF MEMBER OF POLICE FORCE (AMENDMENT OF SECTION 68).**

Section 68 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding six months.”

**PART III. - MISCELLANEOUS.**

**62. REPEAL AND REPLACEMENT OF SECTION 69.**

Section 69 of the Principal Act is repealed and replaced with the following new section:


**“69. TIME LIMIT ON BRINGING CHARGES.**

No charge for an offence against any provision of this Act shall be laid in any court one year after the offence took place.”


**63. REGULATIONS (AMENDMENT OF SECTION 70).**

Section 70 of the Principal Act is amended in Paragraph (b) by repealing “K100.00” and replacing it with “K1,000.00.”

I hereby certify that the above is a fair print of the *Summary Offences (Amendment) Act 2018*, which has been made by the National Parliament.

  
Clerk of the National Parliament.  
19 JUL 2018

I hereby certify that the *Summary Offences (Amendment) Act 2018*, was made by the National Parliament on 10 April 2018.

  
Speaker of the National Parliament.  
19 JUL 2018