



## ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Constitution of Courts Martial Appeal Court</p> <p>3. Registrar and officers of Court</p>	<p>4. Powers of Court to acquit on account of insanity on appeal against conviction</p> <p>5. Costs of appeal</p> <p>6. Suspension of death sentence</p> <p>7. Regulations</p>
--	--

---

1997, No. 39

**An Act to amend the Courts Martial Appeals Act 1953**

[28 July 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Courts Martial Appeals Amendment Act 1997, and is part of the Courts Martial Appeals Act 1953 (“the principal Act”).

**2. Constitution of Courts Martial Appeal Court**—Section 3 (3) of the principal Act is amended by omitting the words “are from time to time approved by the Minister of Finance”, and substituting the words “may be fixed or determined by or in accordance with regulations made under this Act”.

**3. Registrar and officers of Court**—Section 5 (2) of the principal Act is amended by omitting the words “Court of Appeal”, and substituting the words “High Court at Wellington”.

**4. Powers of Court to acquit on account of insanity on appeal against conviction**—Section 9F of the principal Act is amended—

- (a) By omitting from subsection (2) the expression “, 193 and 195”, and substituting the expression “and 193”:

- (b) By omitting from subsection (3) the word “committed” in the 2 places it appears:
- (c) By omitting from subsection (3) the expression “Mental Health Act 1969”, and substituting the expression “Mental Health (Compulsory Assessment and Treatment) Act 1992”.

**5. Costs of appeal**—Section 16 of the principal Act is amended by repealing subsection (3).

**6. Suspension of death sentence**—The principal Act is amended by repealing section 18.

**7. Regulations**—The principal Act is amended by inserting, after section 26, the following section:

“26A. The Governor-General may from time to time, by Order in Council, make regulations, not inconsistent with this Act, for all or any of the following purposes:

“(a) Providing for the payment of such fees, allowances, and expenses as may be fixed or determined by or in accordance with the regulations to the following persons (other than members of the regular forces):

“(i) A person appointed under section 3 (1) (b) to be a Judge of the Courts Martial Appeal Court:

“(ii) Solicitors or counsel assigned to an appellant under this Act:

“(b) Prescribing the fees, allowances, and expenses payable to witnesses, and other expenses referred to in subsection (2) of section 16.”

---

This Act is administered in the New Zealand Defence Force.

---