

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p style="margin-left: 2em;">Title.</p> <p>1. Short Title.</p> <p>2. Governor may, by Proclamation, declare lands to be available for military manœuvres.</p> <p>3. Powers of Minister and others with respect to proclaimed land.</p> <p>4. Compensation payable for loss or injury resulting from military manœuvres. No</p> | <p>compensation in case of neglect to take reasonable precautions against injury.</p> <p>5. Offences.</p> <p>6. Definition of right to execute military manœuvres.</p> <p>7. After manœuvres, land to be restored to previous condition.</p> <p>8. Regulations.</p> |
|--|---|

1915, No. 42.

Title.

AN ACT to facilitate Military Manœuvres.

[11th October, 1915.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

Governor may, by Proclamation, declare lands to be available for military manœuvres.

1. This Act may be cited as the Military Manœuvres Act, 1915.

2. (1.) The Governor may from time to time, by Proclamation, declare that any land referred to in that Proclamation shall, for such period as may be specified therein, be available for military manœuvres; and every such Proclamation shall have effect according to its tenor.

(2.) A Proclamation under this section shall not authorize entry on or interference with any dwellinghouse, place of worship, school, factory, workshop, store, or premises used for the carrying-on of any trade or manufacture, or any garden or orchard, or any ground attached to any place of worship or school, or any premises enclosed within the curtilage of or attached to any dwellinghouse.

(3.) Subject to the provisions of the last preceding subsection, a Proclamation under this section may apply to any land notwithstanding that the same is reserved for a public purpose, or is otherwise subject to any reservation or restriction as to the use thereof.

Powers of Minister and others with respect to proclaimed land.

3. When any land has been proclaimed under this Act as available for military manœuvres, and while the Proclamation remains in force, the Minister of Defence or any person authorized by him in that behalf, or the officer commanding any military manœuvres, for

the purpose of rendering the land suitable for the execution of such manœuvres or in the course of such manœuvres, may do all or any of the following things, namely:—

- (a.) By notice published in the *Gazette* and in some newspaper circulating in the district, and exhibited on any road or street upon such land, prohibit or restrict the traffic on such road or street for any period not exceeding forty-eight hours at any one time:

Provided that on the expiry of the period specified in any such notice no further prohibition or restriction of traffic shall be effective within the next succeeding period of twenty-four hours;

- (b.) Pull down or erect any fence or barricade, or other obstruction, on the land;
- (c.) Divert or stop any watercourse; and
- (d.) Do any other act on or in connection with the said land that he considers necessary or expedient for the proper utilization of the said land for the purposes aforesaid:

Provided that not less than twenty-four hours' previous notice in writing shall be given to the owner or occupier of private land entered on for the purpose of this Act in all cases where it is reasonably practicable to give such notice.

4. (1.) Compensation as hereinafter provided shall be paid out of moneys to be appropriated by Parliament for the purpose to every person having any estate or interest in any lands to which a Proclamation under this Act relates in respect of any loss or injury suffered by that person by reason—

Compensation payable for loss or injury resulting from military manœuvres.

- (a.) Of the use for military manœuvres of the lands referred to in the Proclamation; or
- (b.) Of the acts or omissions of any officers or men engaged in or preparing for military manœuvres on the said land, whether such acts or omissions are lawfully in the course of the duties of such officers or men or not.

(2.) The amount of compensation payable under this section shall be such amount as may be mutually agreed on between the Minister of Defence and the claimant.

(3.) In default of agreement between the Minister and the claimant as to the amount of compensation to be paid to the claimant, the Minister shall forthwith submit the claim to a Stipendiary Magistrate for inquiry.

(4.) The Magistrate to whom a claim is submitted under this section shall as soon as conveniently may be inquire into the same, and shall assess the amount of compensation properly payable in respect of the loss or injury suffered by the claimant (not exceeding the amount specified in the claim), and the determination of the Magistrate shall be final.

(5.) In considering a claim under this section and assessing the amount of compensation properly payable thereunder, the Magistrate shall take into consideration—

- (a.) The length of notice given to the claimant, whether by public notice or otherwise howsoever, that the land in

respect of which the loss or injury has occurred was required for the purposes of military manœuvres :

- (b.) The directions given by the Minister of Defence or by any officer of the Defence Forces, or by regulations under this Act, as to precautions to be taken in order to avoid or minimize the risk of loss or injury by reason of such manœuvres :
- (c.) The failure or otherwise of the claimant to observe such directions, or to take any other precautions that he might reasonably have been expected to take for the protection of his interests :
- (d.) Such other matters as the Magistrate thinks fit.

No compensation in case of neglect to take reasonable precautions against injury.

(6.) No compensation shall be payable under this Act in respect of loss or injury resulting by reason of the failure of the claimant to take reasonable precautions to prevent such loss or injury, but compensation shall be paid in respect of the expenses or loss reasonably incurred by the claimant in taking such precautions.

(7.) For the purposes of any inquiry under this section a Magistrate shall have the same power of summoning witnesses and hearing evidence as if the claim was a complaint under the Justices of the Peace Act, 1908.

Offences.

5. (1.) Every person commits an offence and is liable on summary conviction to a fine not exceeding twenty pounds who—

- (a.) Wilfully and without lawful authority obstructs or interferes with the execution of any military manœuvres on land proclaimed under this Act as available for such manœuvres ;
- (b.) Erects or displays any notice or mark on or relating to any land proclaimed under this Act representing or implying that the use of that land is not available for military manœuvres ;
- (c.) Contrary to the terms of any notice prohibiting or restricting traffic upon any road or street, uses or attempts to use such road or street for purposes of traffic ;
- (d.) Without lawful authority removes or otherwise interferes with any notice, sign, or mark erected or posted by the military authorities on the said land ; or
- (e.) In any other way unlawfully interferes with the authorized use of that land under this Act.

(2.) Every person who, without lawful authority, obstructs or interferes with the execution of any manœuvres, or who uses or attempts to use any road or street for purposes of traffic contrary to the terms of any notice prohibiting or restricting such traffic, may be forcibly removed by or by the order of any officer of the Defence Forces.

Definition of right to execute military manœuvres.

6. The right to execute military manœuvres under this Act includes the right to enter on, pass over, and encamp on any land proclaimed under this Act, and to construct military works thereon.

After manœuvres, land to be restored to previous condition

7. As soon as practicable after the conclusion of any military manœuvres the officer commanding the Forces engaged therein shall, so far as possible, restore the land to its previous condition.

8. The Governor may from time to time, by Order in Council Regulations.
gazetted, make regulations—

- (a.) Prescribing periods and forms of notice to be given in respect of matters under this Act in which it is deemed necessary or expedient that notice should be given ;
 - (b.) Prescribing generally, or in any particular case, precautions to be taken by the owners or occupiers of land, or other persons having an interest therein, in order to avoid loss or injury by reason of the execution of military manœuvres ;
 - (c.) Limiting the time within which claims for compensation may be made ;
 - (d.) Prescribing rules for the conduct of inquiries by Magistrates under this Act ; and
 - (e.) Prescribing such other matters as may be deemed necessary or expedient for the purpose of giving effect to this Act.
-