

## New Zealand.



### ANALYSIS.

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1913, No. 45.

AN ACT relating to Naval Defence.

[11th December, 1913.]

Title.

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

1. This Act may be cited as the Naval Defence Act, 1913.

Short Title.

2. In this Act, unless inconsistent with the context,—

Interpretation.

“Active service” means service in or with a force which is engaged in operations against the enemy, and includes any naval or military service in time of war:

“The Naval Discipline Acts” includes the Imperial Act called the Naval Discipline Act, 1866, and the amendments thereof, and the Imperial Act called the Naval Discipline (Dominion Naval Forces) Act, 1911:

“Naval establishment” includes any ship, vessel, or boat used for services auxiliary to naval defence, and any dock, shipyard, foundry, machine-shop, work, or establishment in connection with naval defence:

“Officer” means a commissioned officer, subordinate officer, or warrant officer, but does not include a petty officer :

“Prescribed” means prescribed by this Act or the regulations :

“Regulations” means the regulations relating to the Naval Forces whether made in pursuance of this Act or any other power :

“Seaman” means a member of the Naval Forces not being an officer, and includes any person serving in any capacity on board a vessel of the Naval Forces when engaged in any naval service :

“Time of war” means any time during which a state of war actually exists.

Power to raise Naval Forces.

3. The Governor may raise, maintain, and organize such permanent Naval Forces as he deems necessary.

Power to appoint officers.

4. The Governor may—

(a.) Appoint and promote officers of the Naval Forces, and issue commissions to them ; and

(b.) Appoint an officer to command the whole or any portion of the Naval Forces.

Officers not to be appointed or promoted, except provisionally, until they have passed prescribed examination.

5. (1.) Except as herein mentioned, a person shall not be appointed to be an officer in the Naval Forces or promoted to any higher rank therein unless he has passed the prescribed examination for the rank to which he is appointed or promoted :

Appointment or promotion for distinguished service.

Provided that the Governor may appoint any person to be an officer, or promote any officer to a higher rank, for distinguished service, or for marked ability or gallantry on active service, without that person having passed the prescribed examination for the rank to which he is appointed or promoted.

(2.) A person who has not passed the prescribed examination for any particular rank may be appointed provisionally to be an officer of that rank.

(3.) A person provisionally appointed to be an officer of any particular rank shall cease to hold office as an officer of that rank if he fails to pass the prescribed examination for the rank to which he has been provisionally appointed within the prescribed time, not exceeding eighteen months after his appointment.

(4.) The requirements of this section may be dispensed with by the Governor in the case of persons who are officers of the King's regular Naval Force.

Appointments to be held during pleasure.

6. Every officer shall hold his appointment during the pleasure of the Governor, but the commission of an officer shall not be cancelled except for cause and after he has had notice, in manner prescribed, of the cause, and has been called upon to answer in his defence.

Resignation by officer of his commission.

7. (1.) Except in time of war, an officer may at any time by writing under his hand resign his commission.

(2.) Such resignation shall not take effect for any purpose until notification of acceptance thereof by the Governor is gazetted.

Appointment of warrant, &c., officers.

8. (1.) Warrant officers, non-commissioned officers, and petty officers shall be appointed, and shall hold their offices as prescribed.

Seniority.

(2.) The seniority of officers in their respective ranks shall be as prescribed.

9. The ages for the compulsory retirement of officers and members of the Naval Forces shall be as prescribed, but in special cases the Governor may extend the period of service beyond the prescribed age of retirement for a period not exceeding two years. Retiring-age.

10. (1.) The Naval Forces shall be raised and kept by voluntary enlistment only. Naval Forces to be raised by voluntary enlistment.

(2.) Enlistment in the Naval Forces shall be for such period as is prescribed, but no prescribed period shall be less than two years. Period of enlistment.

(3.) Any person under the age of twenty-one years may, with the consent in writing of his parent or guardian, enlist for service in the Naval Forces for such period as is prescribed, but that period shall not exceed the time required for him to attain the age of thirty years. Enlistment of persons under twenty-one years of age in Permanent Naval Forces.

(4.) The enlistment of any person in pursuance of the last preceding subsection shall be binding on him both during his minority and after he attains his majority.

11. (1.) Every person enlisting in the Naval Forces shall take and subscribe the oath of allegiance in the form in the Schedule hereto. Oath of allegiance.

(2.) The oath of allegiance shall be taken before a Justice of the Peace, or other prescribed person.

(3.) The oath of allegiance shall bind the person subscribing it to serve in the Naval Forces in accordance with the tenor of the oath until he is discharged, dismissed, or removed therefrom, or until his resignation is accepted.

12. Persons in any other part of the British Dominions may, subject to the law in force in that part, voluntarily enlist as members of the New Zealand Naval Forces, and this Act shall apply to persons who so enlist to the same extent as if they had enlisted in New Zealand. Enlistment in any part of the British Dominions.

13. (1.) A member of the Naval Forces shall be entitled to be discharged therefrom at the expiration of the period of service for which he enlisted, unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until the war has terminated. Discharge on expiration of period of service.

(2.) On the discharge of any member of the Naval Forces as aforesaid he shall be drafted into the New Zealand Royal Naval Reserve hereinafter established, and shall thereafter be liable for such period as may be prescribed for service only in time of war. On discharge to join Naval Reserve.

14. The Governor may at any time, by Proclamation,—

(a.) Disband any portion of the Naval Forces; or

(b.) Dispense with the services of any officer or seaman. Disbanding, &c., of Naval Forces.

15. Members of the Naval Forces may be required to serve for training or on any naval service either within or beyond the limits of New Zealand. Limits of service.

16. The Naval Forces shall be subject to such drill, training, and inspection as are prescribed. Drill and training.

17. (1.) The Governor may, for the purpose of naval service or training, place any part of the New Zealand Naval Forces on board any ship of the King's Navy, or of the navy of any part of the British Dominions, or in any naval training establishment or school in connection with any such navy. Service or training with King's Naval Forces.

(2.) The members of the New Zealand Naval Forces while so placed shall—

- (a.) Be under the command of the officer commanding the ship, training establishment, or school ; and
- (b.) Be subject to the laws and regulations to which the members of the King's Naval Forces on the ship or attending the training establishment or school are for the time being subject.

Application of  
Naval Discipline  
Acts and King's  
Regulations.

18. The Naval Discipline Acts and the King's Regulations and Admiralty Instructions for the time being in force in relation to the King's Naval Forces shall, subject to this Act and to any modifications and adaptations prescribed by the regulations, apply to the New Zealand Naval Forces.

In time of war, &c.,  
Naval Forces to be  
at disposal of Great  
Britain.

19. (1.) Whenever war has been declared between Great Britain and any other country or countries, or whenever there is an outbreak of hostilities between Great Britain and any other country or countries, the ships, vessels, or boats acquired under this Act for naval defence or for services auxiliary thereto and the New Zealand Naval Forces shall pass and remain under the control and be at the disposition of the Government of Great Britain until peace has been proclaimed or until hostilities have terminated, and all officers and men of the New Zealand Naval Forces shall for the time being become part of the King's Naval Forces, and shall be subject to the laws, rules, and regulations in force relating to officers and men of the King's Navy.

(2.) Whenever war between Great Britain and any other country or countries is imminent, or when in the opinion of the Governor it is expedient in the interests of Great Britain so to do, or upon the request of the Government of Great Britain, the Governor may by Proclamation declare that the ships, vessels, or boats acquired under this Act for naval defence or for services auxiliary thereto and the New Zealand Naval Forces shall pass and remain under the control and be at the disposition of the Government of Great Britain for such time as he fixes by such Proclamation, or for such extended time as he may fix by a subsequent Proclamation or Proclamations, and all officers and men of the New Zealand Naval Forces shall during the time or extended time so fixed become part of the King's Naval Forces, and shall be subject to the laws, rules, and regulations in force relating to officers and men of the King's Navy.

Transfers between  
King's Naval  
Forces and New  
Zealand Naval  
Forces.

20. (1.) The Governor may—
- (a.) Accept the transfer to the New Zealand Naval Forces of any vessel of the King's Naval Forces or of the Naval Forces of any other part of the British Dominions ;
  - (b.) Accept the transfer to the New Zealand Naval Forces of any officers and seamen of the King's Naval Forces or of the Naval Forces of any other part of the British Dominions ;
  - (c.) Transfer to the King's Naval Forces or to the Naval Forces of any other part of the British Dominions any vessel of the New Zealand Naval Forces ; and
  - (d.) Transfer to the King's Naval Forces or to the Naval Forces of any other part of the British Dominions any officers or seamen of the New Zealand Naval Forces.

(2.) Any transfer in pursuance of this section may be for such period and subject to such conditions as may be arranged between the Government of New Zealand and the Government of Great Britain or of any other part of the British Dominions aforesaid.

(3.) Subject to the conditions of transfer as aforesaid, all officers and seamen of the King's Naval Forces or of the Naval Forces of any other part of the British Dominions transferred in pursuance of this section to the New Zealand Naval Forces shall, while so transferred, be deemed to be members of the New Zealand Naval Forces, and shall be subject to this Act and the regulations so far as they are applicable.

(4.) Subject to the conditions of transfer, all officers and seamen of the New Zealand Naval Forces transferred in pursuance of this section to the King's Naval Forces or to the Naval Forces of any other part of the British Dominions shall, while so transferred, be subject to the laws and regulations governing the King's Naval Forces or the Naval Forces of the part of the British Dominions to which they are transferred so far as those laws and regulations are applicable.

21. (1.) In addition to the permanent Naval Forces raised under this Act there is hereby established a New Zealand Royal Naval Reserve, consisting of men drafted thereto under this Act and of men who have served in the King's Navy. Naval Reserve.

(2.) The persons who are members of the New Zealand Royal Naval Reserve as existing on the commencement of this Act shall form part of the Naval Reserve established under this section, and shall serve therein for such period as they would have served in the first-mentioned Naval Reserve if this Act had not passed.

(3.) The members of the New Zealand Royal Naval Reserve shall not be liable in time of peace to continuous naval service; but, except as aforesaid, shall be deemed to form part of the Naval Forces.

22. When any member of the Naval Forces—

(a.) Is killed on active service or on duty; or

(b.) Dies, or becomes incapacitated from earning his living from wounds or disease contracted on active service,

provision shall be made for his widow and family or for himself, as the case requires, out of the Consolidated Fund at the prescribed rates.

Provision in case of death or incapacity on active service or on duty.

23. Funds may be established in such manner and subject to such provisions as are prescribed for providing for the payment of annuities or gratuities to members of the Naval Forces permanently injured in the performance of their duties, and for the payment of annuities or gratuities to members of the Naval Forces who are retired on account of age or infirmity.

Funds for annuities or gratuities in case of injury or retirement.

24. Officers of the King's Naval Forces, officers of the New Zealand Naval Forces, and officers of the Naval Forces of any other part of the British Dominions shall be eligible for appointment as officers to constitute Naval Courts-martial.

Officers eligible to constitute Courts-martial.

25. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted

Regulations.

to be prescribed, or which are necessary or convenient to be prescribed, for the training of the Naval Forces, for securing the discipline and good government of the Naval Forces, or for carrying out or giving effect to this Act, and, in particular, prescribing matters for or in relation to—

- (a.) The good government of naval establishments ;
- (b.) The discipline of persons receiving instruction or training in or employed in or in connection with any naval establishment ; and
- (c.) The regulation and control of shipping in time of war or for the purposes of any naval operation or practice.

(2.) The regulations may provide penalties for breaches thereof, not exceeding imprisonment with hard labour for three months in the case of imprisonment, or a fine of twenty pounds in the case of pecuniary penalties.

(3.) All such regulations shall be laid before Parliament within fourteen days after publication in the *Gazette* if Parliament is in session, and if not, then within fourteen days after the commencement of the next ensuing session.

Repeals.

26. The Naval Defence Act, 1908, and the Naval Subsidy Act, 1908, are hereby repealed.

Schedule.

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## SCHEDULE.

### OATH OF ALLEGIANCE.

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to our Sovereign Lord the King, his heirs and successors, and that I will faithfully serve in the New Zealand Naval Forces, and will observe and obey all orders of His Majesty, his heirs and successors, and of the officers set over me, until I shall be lawfully discharged. So help me God.

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