



ANALYSIS

Title.	11. Powers of commanding officer in relation to warrant officers.
1. Short Title.	12. Powers of company, etc., commanders.
2. Interpretation.	13. Revision of summary punishments.
3. Persons subject to military law.	14. Bringing liquor into camp.
4. Purchase of discharge.	15. Suspension of sentences.
5. Forfeiture of intoxicating liquor on conviction.	16. Trial of persons who have ceased to be subject to military law.
6. Answers to questions on attestation paper.	17. Courts of Inquiry.
7. Being in charge of motor vehicle while under the influence of drink or a drug.	18. Relative rank of naval, military, and air force officers.
8. Penalties for offences.	19. Attachment of officers and soldiers to other Commonwealth forces.
9. Summary disposal of charges.	
10. Punishments for non-commissioned officers.	

1954, No. 20

AN ACT to amend the New Zealand Army Act 1950. Title.
 [17 September 1954]

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 New Zealand Army Amendment Act 1954, and shall be read together with and deemed part of the New Zealand Army Act 1950 (hereinafter referred to as the principal Act). Short Title. 1950, No. 39

2. (1) Section two of the principal Act is hereby amended by inserting in subsection one, after the definition of the term "Army Order", the following definition: Interpretation.

" 'Army Secretary' means the Army Secretary appointed for the purposes of this Act; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Army Secretary: "

(2) Section two of the principal Act is hereby further amended by repealing the definition of the term "enemy" in subsection one, and substituting the following definition:

"'Enemy' includes all persons engaged in armed operations against any New Zealand or allied force; and also includes all armed mutineers, armed rebels, armed rioters, and pirates:"

(3) Section two of the principal Act is hereby further amended by inserting in the definition of the term "superior military authority" in subsection one, after the word "means", the words "the Army Board or".

(4) Section one hundred and twenty-three of the principal Act is hereby consequentially amended by inserting in the second proviso to subsection two, after the words "superior military authority", the words "other than the Army Board".

Persons subject
to military law

3. Section two of the principal Act is hereby further amended by repealing paragraph (f) of subsection two, and substituting the following paragraph:

"(f) All persons not otherwise subject to military law who—

"(i) Are attached to or employed by or carry out duties which necessitate their accompanying the Army or any portion thereof when on active service; or

"(ii) Are dependants of any person who is subject to military law and accompany that person when he is on active service outside New Zealand."

Purchase of
discharge.

4. Section twelve of the principal Act is hereby amended by adding the following subsection as subsection two thereof:

"(2) Any amount payable by any officer or soldier under subsection one of this section shall be in addition to any amount payable by him to the Crown under any bond, agreement, or contract for any special purpose."

Forfeiture of
intoxicating
liquor on
conviction.

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5. Section forty of the principal Act is hereby amended by adding the following subsection as subsection two thereof:

"(2) Where any person is convicted of an offence under subsection one of this section, the liquor in respect of which the offence was committed, together with the vessels containing the liquor, shall be deemed to be

forfeited to the Crown, and may be disposed of by public auction or private contract as the Army Secretary directs, and the proceeds of the sale shall be paid into the Public Account."

6. Section fifty-two of the principal Act is hereby amended by inserting in paragraph (a), after the words "put to him", the words "by or".

Answers to questions on attestation paper.

7. Section sixty of the principal Act is hereby amended by omitting from paragraph (b) the words "while in a state of intoxication", and substituting the words "while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the motor vehicle".

Being in charge of motor vehicle while under the influence of drink or a drug.

8. (1) Section sixty-two of the principal Act is hereby amended by omitting from paragraph (b) the words "or such less punishment as is in this Act mentioned".

Penalties for offences.

(2) Section one hundred and twenty-three of the principal Act is hereby amended as follows:

(a) By inserting in subsection one, after the words "by the said Court-Martial", the words "or, if that punishment is death awarded for the offence of murder, then for such less punishment as is in this Act mentioned":

(b) By inserting in subsection two, after the words "by the said Court-Martial", the words "or, if that punishment is death awarded for the offence of murder, then for such less punishment as is in this Act mentioned".

9. Section seventy-five of the principal Act is hereby amended by omitting from subsection five the words "one of the minor punishments", and substituting the words "one or more of the minor punishments".

Summary disposal of charges.

10. Section seventy-eight of the principal Act is hereby amended as follows:

Punishments for non-commissioned officers.

(a) By omitting from subsection two the words "this Act", and substituting the words "this section":

(b) By omitting from subsection three the word "temporary" wherever it occurs, and substituting in each case the word "acting".

11. Section seventy-nine of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

Powers of commanding officer in relation to warrant officers.

“ Provided that a soldier who holds the acting rank of warrant officer may be ordered by his commanding officer (for an offence or for any other reason) to revert to the rank (whether substantive or temporary) which he was holding at the time of his appointment to acting rank.”

Powers of company, etc., commanders.

12. Section eighty-one of the principal Act is hereby amended by adding to the proviso to subsection one the following paragraph:

“(d) Admonition.”

Revision of summary punishments.

13. Section eighty-seven of the principal Act is hereby amended as follows:

(a) By inserting in subsection one, after the word “illegal”, the words “or if the finding involved in the award appears to the Army Board or to such a superior officer to involve substantial injustice to the accused”:

(b) By omitting from subsection four the words “on active service”, and substituting the words “the Adjutant-General where the charge is dealt with in New Zealand and, where the charge is dealt with outside New Zealand,”:

(c) By omitting from subsection four the words “in the field”, and substituting the words “to which the accused for the time being belongs”.

Bringing liquor into camp.

14. (1) Section ninety-two of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) Any officer or non-commissioned officer, with or without persons under his command, may—

“(a) Enter into or upon and search any ship, boat, vessel, aircraft, conveyance, or vehicle of any kind, hovering about or approaching, or that may have hovered about or approached any such camp, barrack, fort, or other place as aforesaid; and

“(b) Detain any person who he reasonably suspects has committed a breach of any of the provisions of subsection one of this section, and search any parcel, package, case, bag, luggage, jar, bottle, vessel, or other container in his possession; and

“(c) If any intoxicating liquor is found as the result of any such search, seize the liquor, together with the vessels containing the liquor, unless it is for delivery to any such canteen or duly authorized mess as aforesaid or for delivery to any premises occupied as married quarters.”

(2) Section ninety-two of the principal Act is hereby further amended by adding the following subsection:

“(4) Any liquor seized under the authority of this section shall, on the conviction of any person of an offence under this section in respect of that liquor, together with the vessels containing the liquor, be deemed to be forfeited to the Crown, and may be disposed of by public auction or private contract as the Army Secretary directs, and the proceeds of the sale shall be paid into the Public Account.”

15. (1) Section one hundred and twenty-five of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections: Suspension
of sentences.

“(1) Where a soldier is sentenced to imprisonment or detention, the confirming authority to whom the sentence is submitted for confirmation may, when confirming the sentence, direct that the soldier be not committed to prison or detention barracks until the orders of a superior military authority have been obtained.

“(1A) A superior military authority may in the case of a soldier so sentenced—

“(a) Direct that the soldier shall not be committed to prison or detention barracks until the orders of the superior military authority have been obtained; or

“(b) Suspend the sentence, whether or not the soldier has already been committed to prison or detention barracks.”

(2) Section one hundred and twenty-five of the principal Act is hereby further amended as follows:

(a) By inserting in subsection three, after the words “this section”, the words “or under subsection three of section one hundred and twenty-three of this Act”:

(b) By inserting in subsection four, after the words “this section”, the words “or under subsection three of section one hundred and twenty-three of this Act”:

- (c) By inserting in subsection five, after the words “ this section ”, the words “ or under subsection three of section one hundred and twenty-three of this Act ”:
- (d) By inserting in subsection six, after the words “ this section ”, the words “ or under subsection three of section one hundred and twenty-three of this Act ”.

Trial of persons who have ceased to be subject to military law.

16. Section one hundred and twenty-seven of the principal Act is hereby amended by inserting in the proviso to subsection one, after the words “ after he has ceased to be subject to military law ”, the words “ or unless the offence was committed outside New Zealand and is an offence which when committed in New Zealand is punishable by the law of New Zealand and the Attorney-General consents to the trial ”.

Courts of Inquiry.

17. Section one hundred and thirty-seven of the principal Act is hereby amended by adding to subsection two the following proviso:

“ Provided that, where in the opinion of the authority assembling the Court any of the matters to be referred to it concerns any part of the Naval Forces or the Air Force, that authority may, with the consent of the proper naval or air force authority, appoint one or more naval officers or one or more air force officers, as the case may require, to be members of the Court, but in any such case an army officer shall be the President.”

Relative rank of naval, military, and air force officers.

18. Section one hundred and forty-seven of the principal Act is hereby amended by omitting from subsection four the words “ this section ”, and substituting the words “ this Act ”.

Attachment of officers and soldiers to other Commonwealth forces.

19. Section one hundred and fifty of the principal Act is hereby amended by inserting in subsection two, after the word “ soldier ”, the words “ of the Territorial Force ”.