



ANALYSIS

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1965, No. 55

An Act to amend the Royal New Zealand Air Force Act 1950
[19 October 1965]

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

1. Short Title—This Act may be cited as the Royal New Zealand Air Force Amendment Act 1965, and shall be read together with and deemed part of the Royal New Zealand Air Force Act 1950 (hereinafter referred to as the principal Act).

2. Acquisition of land from unit funds—Section 23B of the principal Act (as inserted by section 2 (1) of the Royal New Zealand Air Force Amendment Act 1963) is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) Without limiting the provisions of subsection (1) of this section, money forming part of any such fund may from time to time, with the prior consent of the Defence Council or of the Air Board acting pursuant to a delegation by the Council, be expended in the acquisition of any estate or interest in land (whether Crown land or not) to be held for any of the objects of the fund. Notwithstanding anything in any enactment or rule of law, any estate or interest in land so acquired (including any tenure on which Crown land may be acquired under the Land Act 1948) may be vested in and held in the name of Her Majesty the Queen for the purposes of this section.

“(1B) Any estate or interest in land acquired pursuant to subsection (1A) of this section may be disposed of with the prior consent of the Defence Council or of the Air Board acting pursuant to a delegation by the Council, and on that disposal the estate or interest shall cease to be subject to the provisions of this section. The proceeds of any such disposition shall be held for the purposes of the fund from which the money for the acquisition of the estate or interest in the land was expended.

“(1C) All documents which require to be executed for the purposes of subsection (1A) or subsection (1B) of this section by or on behalf of Her Majesty may be executed by the Secretary of Defence or a Deputy Secretary of Defence, and, if so executed, shall be as valid and effectual as if executed by or on behalf of Her Majesty.”

3. Penalty for drunkenness—Section 39 of the principal Act is hereby amended by omitting from subsection (1) the words “five pounds”, and substituting the words “ten pounds”.

4. Penalty for possession of liquor in camp, etc.—Section 40 of the principal Act is hereby amended by omitting from subsection (1) the words “five pounds”, and substituting the words “ten pounds”.

5. Jurisdiction of Court Martial to try civil offences—Section 62 of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that a person subject to this Act shall not be tried by Court Martial for treason, murder, manslaughter, or rape committed in New Zealand.”

6. Scale of punishments by Court Martial—Section 64 of the principal Act is hereby amended by omitting from paragraph (h) of subsection (2) the words “ten pounds”, and substituting the words “twenty pounds”.

7. Imprisonment and detention of members of other Commonwealth forces attached to the Air Force—(1) The principal Act is hereby further amended by inserting, after section 69, the following section:

“69A. (1) Where—

“(a) Any member of the forces of any part of the Commonwealth other than New Zealand who is attached to the Air Force pursuant to the provisions of section 6 of the Visiting Forces Act 1939 is sentenced by Court Martial under this Act to imprisonment or detention; and

“(b) An arrangement is for the time being in force with the appropriate authority in that part of the Commonwealth for the return to that part of members of those forces so sentenced, for the purpose of undergoing any such sentence in that part, or for members of those forces to undergo any such sentence in the custody of those forces,—
a competent air force authority may give directions for the delivery into the custody of the forces of that part of the Commonwealth (whether in New Zealand or elsewhere) of the member so sentenced and for his removal to that part of the Commonwealth for the purpose of undergoing the sentence, or, as the case may require, for his undergoing the sentence in the custody of those forces.

“(2) Any member of the forces of any other part of the Commonwealth in respect of whom any such directions are given by a competent air force authority may, until he is delivered into the custody of those forces, be kept in air force custody or civil custody, or partly in one description of custody and partly in the other, and may, by order of a competent air force authority, from time to time be transferred from air force custody to civil custody, and from civil custody to air force custody, as occasion may require.

“(3) Any such member may, during his conveyance from place to place, whether on board ship or in any aircraft or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.”

(2) Section 69 of the principal Act is hereby amended by inserting in subsection (1), after the words "this section", the words "and of section 69A of this Act".

8. Imprisonment and detention of officers and airmen attached to other Commonwealth forces—The principal Act is hereby further amended by inserting, after section 69A (as inserted by section 7 (1) of this Act), the following section:

"69B. Where—

"(a) Any officer or airman who is subject to this Act is attached to the forces of any part of the Commonwealth other than New Zealand pursuant to the provisions of section 6 of the Visiting Forces Act 1939 and is sentenced by Court Martial of those forces to imprisonment or detention; and

"(b) An arrangement is for the time being in force with the appropriate authority in that part of the Commonwealth for the return to New Zealand of such officers or airmen so sentenced, for the purpose of undergoing any such sentence in New Zealand, or for such officers and airmen to undergo any such sentence in a detention barrack or an air force prison established under this Act (whether in New Zealand or elsewhere); and

"(c) Pursuant to that arrangement an officer or airman so sentenced is received into the custody of the Air Force, the New Zealand Naval Forces, or the New Zealand Army (whether in New Zealand or elsewhere),—

the provisions of this Act shall apply to him in all respects, with any necessary modifications, as if he had been sentenced by Court Martial held under this Act."

9. Power of commanding officer to dispose of charges summarily—Section 75 of the principal Act is hereby amended by inserting in subsection (5), after the words "this Act", the words "or a severe reprimand".

10. Maximum fine by commanding officer on airman—Section 76 of the principal Act is hereby amended—

(a) By omitting from paragraph (c) of subsection (1) the words "five pounds", and substituting the words "fifteen pounds":

(b) By omitting from subsection (2) the words "one pound", and substituting the words "five pounds".

11. Maximum fine by commanding officer on non-commissioned officer—Section 78 of the principal Act (as amended by section 3 (1) of the Royal New Zealand Air Force Amendment Act 1961) is hereby amended by repealing paragraph (a) of subsection (1), and substituting the following paragraph:

"(a) A fine exceeding five pounds but not exceeding fifteen pounds:".

12. Maximum fine when charge against officer or warrant officer dealt with summarily—Section 86 of the principal Act is hereby amended by omitting from paragraph (b) of subsection (2) the words "ten pounds", and substituting the words "fifteen pounds".

13. Bonds and deeds of covenant—The principal Act is hereby further amended by inserting, after section 152, the following section:

"152A. (1) Any officer or airman to whom money is advanced, or on whose behalf expenditure is incurred, with the approval of the Defence Council or of the Air Board acting pursuant to a delegation by the Council, in connection with transportation, education, training, or sustenance, or for any other special purpose, may be required, as a condition of that advance or expenditure, to sign a bond in a form to be determined by the Defence Council or by the Air Board acting as aforesaid requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond.

"(2) The Defence Council or the Air Board so acting, instead of requiring a bond as aforesaid, may require the officer or airman to sign a deed of covenant whereby he covenants to repay to the Crown all money so advanced to him or expenditure so incurred on his behalf, up to a maximum amount specified in the deed of covenant, if he fails to render service in accordance with the provisions of the deed of covenant.

"(3) The amount of any such bond or, as the case may be, the maximum amount payable under any such deed of covenant shall be reduced during the currency thereof by an amount equivalent to the proportion that the service rendered

by the officer or airman in accordance with the condition of the bond or the provisions of the deed of covenant bears to the full period of service required for the discharge of the bond or deed of covenant.

“(4) The Defence Council or the Air Board, as the case may be, may require that such a bond or deed of covenant shall also be signed by a parent or guardian, or by some other person approved by the Council or the Board, as surety; and the parent or guardian or person who signs such a bond or deed of covenant shall be jointly and severally liable thereunder.

“(5) Every such bond or deed of covenant shall be enforceable against the officer or airman and the surety who signs it, notwithstanding anything in any enactment or rule of law; and the amount of the bond or, as the case may be, the maximum amount payable under the deed of covenant, subject to any deduction pursuant to subsection (3) of this section, shall be recoverable as liquidated damages.”

This Act is administered in the Ministry of Defence.
