ANALYSIS

Title
1. Short Title and repeal
2. Compensation to victims of offences occasioning physical harm

1976, No. 12

An Act to amend the Royal New Zealand Air Force Act 1950

[*27 August 1976*

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 and repeal—(1) This Act may be cited as the Royal New Zealand Air Force Amendment Act 1976, 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(2) This Act shall be deemed to be repealed on the date of the commencement of the Armed Forces Discipline Act 1971.

2. Compensation to victims of offences occasioning physical harm—(1) The principal Act is hereby amended by inserting, after section 157, the following section:

"157A. (1) Where any accused is found guilty, whether summarily or by court-martial, of any offence arising out of any act or omission that occasioned physical harm to any other person (whether a serviceman or a civilian and whether or not the occasioning of physical harm constitutes a necessary element of the offence at law) and the accused is punished by a fine, then, subject to subsection (2) of this section, the

commanding officer, detachment commander, subordinate commander, authority dealing summarily with the charge under section 86 of this Act, or court-martial, as the case may be, may, in his or its discretion, award by way of compensation to the victim such portion of the fine, not exceeding one half, as he or it thinks fit.

"(2) No award of compensation may be made under subsection (1) of this section, unless the commanding officer, detachment commander, subordinate commander, authority dealing with the charge under section 86 of this Act, or the court-martial, as the case may be, is of the opinion that the act or omission—

"(a) Was unprovoked; and

"(b) Caused bodily injury to the victim.

"(3) An order made under this section shall be sufficient authority for the paying officer of the unit deducting the fine from the accused's pay to pay the portion specified in the order to the person entitled to it under the order.

"(4) An award of compensation under this section shall not affect the right of the person entitled to it—

"(a) To receive compensation under the Accident Compensation Act 1972; and

"(b) Subject to section 5 of that Act, to recover by civil proceedings damages in excess of the amount of the award."

(2) Section 157 of the principal Act is hereby amended by inserting, before the words "All fines", the words "Subject to section 157A of this Act".

This Act is administered in the Ministry of Defence.