

Armed Forces Discipline Amendment Act 1997

Public Act 1997 No 34
Date of assent 28 July 1997

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An Act to amend The Armed Forces Discipline Act 1971

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the Armed Forces Discipline Amendment Act 1997 and is part of The Armed Forces Discipline Act 1971 (“the principal Act”).

2 Interpretation

This section amended s 2(1) of the principal Act by inserting the definition of the term **Chief of Defence Force**.

3 Transitional provisions

This section substituted the cross-heading above section 207, and repealed section 207 of the principal Act.

4 Technical amendments to principal Act

The principal Act is amended in the manner indicated in the Schedule.

Schedule

Section 4

Technical Amendments to Principal Act

Provision	Amendment
Section 2(1)	<p>By omitting from the definition of the term aircraft the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term Air Force the expression “section 5 of The Defence Act 1971”, and substituting the expression “section 11(5) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term air force base the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term airman the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p>

Provision	Amendment
	<p>By omitting from the definition of the term army the expression “section 5 of The Defence Act 1971”, and substituting the expression “section 11(4) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term army camp the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term cadet forces the expression “Part III of The Defence Act 1971”, and substituting the expression “Part VI of The Defence Act 1990”.</p> <p>By omitting from the definition of the term defence area the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term enemy the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term joint force (as inserted by section 2(2) of The Armed Forces Discipline Amendment Act 1988 and amended by section 105(1) of The Defence Act 1990) the expression “(a)”.</p> <p>By omitting from the definitions of the terms naval establishment and naval ship the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p>

Provision	Amendment
Section 6	<p>By omitting from the definition of the term navy the expression “section 5 of The Defence Act 1971”, and substituting the expression “section 11(3) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term non-commissioned officer the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting from the definition of the term officer the expression “section 2 of The Defence Act 1971”, and substituting the expression “section 2(1) of The Defence Act 1990”.</p> <p>By omitting the definition of the term prescribed, and substituting the following term:</p> <p>“Prescribed means prescribed by this Act, or by rules of procedure or regulations made under this Act, or by regulations made under The Defence Act 1990 or by Defence Force Orders issued under this Act or The Defence Act 1990.</p> <p>By omitting from subsection (1)(a) the expression “paragraph (e) of subsection (2) of section 5 of The Defence Act 1971”, and substituting the expression “section 11(3)(e) of The Defence Act 1990”.</p> <p>By omitting from subsection (1)(c)(vi) the expression “section 43 or section 44 of The Defence Act 1971”, and substituting the expression “section</p>

Provision	Amendment
	<p>39 or section 40 of The Defence Act 1990”.</p> <p>By omitting from subsection (1)(d) the expression “paragraph (e) of subsection (2) of section 5 of The Defence Act 1971”, and substituting the expression “section 11(3)(e) of The Defence Act 1990”.</p> <p>By omitting from subsection (2)(a) the expression “paragraph (d) of subsection (3) of section 5 of The Defence Act 1971”, and substituting the expression “section 11(4)(d) of The Defence Act 1990”.</p> <p>By omitting from subsection (2)(c)(vi) the expression “section 43 or section 44 of The Defence Act 1971”, and substituting the expression “section 39 or section 40 of The Defence Act 1990”.</p> <p>By omitting from subsection (2)(d) the expression “paragraph (d) of subsection (3) of section 5 of The Defence Act 1971” and substituting the expression “section 11(4)(d) of The Defence Act 1990”.</p> <p>By omitting from subsection (3)(a) the expression “paragraph (d) of subsection (4) of section 5 of The Defence Act 1971”, and substituting the expression “section 11(5)(d) of The Defence Act 1990”.</p> <p>By omitting from subsection (3)(c)(vi) the expression “section 43 or section 44 of The Defence Act 1971”, and substituting the expression “section 39 or section 40 of The Defence Act 1990”.</p>

Provision	Amendment
Section 10	<p>By omitting from subsection (3)(d) the expression “paragraph (d) of subsection (4) of section 5 of The Defence Act 1971”, and substituting the expression “section 11(5)(d) of The Defence Act 1990”.</p>
Section 11	<p>By omitting from subsection (1) (as amended by section 105(1) of The Defence Act 1990) the words “order of the Chief of Defence Force” and substituting the words “Defence Force Order”. By omitting from subsection (2) (as so amended) the words “order of the Chief of Defence Force” and substituting the words “Defence Force Order”.</p>
Section 84	<p>By omitting from subsection (2) the word “serviceman”, and substituting the words “member of the Armed Forces”.</p>

Provision	Amendment
Section 99	By omitting from subsection (1)(b) the words “Consolidated Account”, and substituting the words “Crown Bank Account”.
Section 107	By omitting from paragraph (c) the word “it”, and substituting the words “the Chief of Defence Force”.
Section 117	By inserting in subsection (2)(b), after the expression “paragraph (c)”, the expression “or paragraph (d)”. By omitting from subsection (12) the expression “section 50 of The Defence Act 1971”, and substituting the expression “section 49 of The Defence Act 1990”.
Section 147	By omitting from subsection (2)(d) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”. By omitting from subsection (2)(f), and also from subsection (2)(g), the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”. By omitting from subsection (2)(i) the word “constable”, and substituting the words “member of the Police”.
Section 168	By omitting from subsection (3) the words “Defence Council” and substituting the words “Chief of Defence Force”.
Section 175	

Provision	Amendment
Section 184	By omitting the word “constable”, and substituting the words “member of the Police”.
Section 186A	<p>By omitting from subsection (4)(a) the expression “Accident Compensation Act 1982”, and substituting the expression “Accident Rehabilitation and Compensation Insurance Act 1992”.</p> <p>By omitting from subsection (4)(b) the expression “section 27”, and substituting the expression “section 14”.</p>
Section 200	By omitting from subsection (1) the words “Defence Council or any of its service members”, and substituting the words “Chief of Defence Force”.
Section 202	<p>By omitting from subsection (2A)(a) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”.</p> <p>By omitting from the proviso to subsection (3) the words “Chief of Defence Force” where it secondly occurs, and substituting the words “that person”.</p> <p>By omitting from subsection (4) the words “Secretary of Defence”, and substituting the words “Chief of Defence Force”.</p>

Provision	Amendment
Section 206	<p>By omitting from subsection (1) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”.</p> <p>By omitting from subsection (1)(g) the word “psychiatric”.</p> <p>By omitting from subsection (2) (as amended by section 105(1) of The Defence Act 1990) the words “orders of the Chief of Defence Force”, and substituting the words “Defence Force Orders”.</p>
Clause 1, Schedule 1	By omitting the words “orders issued by the Defence Council”, and substituting the words “Defence Force Orders”.
Clause 4 Schedule 1	By omitting the words “Defence Council”, and substituting the words “Chief of Defence Force”.

An item relating to section 175 was repealed, as from 1 July 2007, by section 146 Coroners Act 2006 (2006 No 38).