

# **Armed Forces Discipline Amendment Act 2001**

Public Act 2001 No 55  
Date of assent 26 September 2001

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## **The Parliament of New Zealand enacts as follows:**

### **1 Title**

- (1) This Act is the Armed Forces Discipline Amendment Act 2001.
- (2) In this Act, the Armed Forces Discipline Act 1971 is called “the principal Act”.

### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Effect of period spent in custody awaiting trial**

- (1) The heading to section 81A of the principal Act is amended by omitting the words “**awaiting trial**”, and substituting the words “**before being sentenced**”.
- (2) Section 81A(1) of the principal Act is amended by omitting the words “was held in custody awaiting trial”, and substituting the words “has been held in custody”.
- (3) Section 81A(2) of the principal Act is amended by omitting the words “while the offender was already serving a sentence of imprisonment or detention”, and substituting the words “that is unrelated to any charge before the court-martial”.

**4 Summary punishments**

- (1) Section 102(5A) of the principal Act is amended by omitting the words “was held in custody awaiting to be tried summarily or dealt with summarily”, and substituting the words “has been held in custody”.
- (2) Section 102(5B) of the principal Act is amended by omitting the words “while the offender was already serving a sentence of imprisonment or detention”, and substituting the words “that is unrelated to any charge that is before the officer exercising summary powers”.

**5 Courts-martial to sit in open court**

Section 131 of the principal Act is amended by repealing subsection (5), and substituting the following subsection:

- “(5) An order specified in paragraph (a) or paragraph (b) of subsection (3), or made under section 139(1) or section 140 of the Criminal Justice Act 1985 as applied by subsection (9) of this section,—
- “(a) may be made by a convening officer or court-martial for a limited period or permanently; and
  - “(b) if it is made for a limited period, may be renewed for a further period or periods or made permanent by—
    - “(i) the convening officer or court-martial at any time before the trial is concluded:
    - “(ii) any reviewing authority (within the meaning of paragraph (b) or paragraph (c) of section 151(1) of this Act) at any time; and

- “(c) if it is made permanently, may be reviewed by—
- “(i) the convening officer or court-martial at any time before the trial is concluded:
  - “(ii) any such reviewing authority at any time.”

**6 Constitution and powers of reconsidering authorities**

Section 166(4A) of the principal Act is amended by omitting the words “awaiting trial, as specified”, and substituting the words “, as is required to be specified”.

**7 Effect of period spent in custody awaiting trial**

- (1) The heading to section 177A of the principal Act is amended by omitting the words “**awaiting trial**”, and substituting the words “**before being sentenced**”.
- (2) Section 177A(1) of the principal Act is amended by omitting the words “awaiting trial, as specified”, and substituting the words “, as is required to be specified”.

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**Legislative history**

20 September 2001

Divided from Statutes Amendment Bill (Bill 97-2),  
third reading

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