

1967/224



## THE AIR FORCE AREAS SECURITY REGULATIONS 1967

BERNARD FERGUSSON, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 2nd day of October 1967

Present:

THE HON. N. L. SHELTON PRESIDING IN COUNCIL

PURSUANT to the Royal New Zealand Air Force Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Official Secrets Act not affected</li> </ol> <p style="text-align: center;"><i>Control of Air Force Areas by Commanding Officers</i></p> <ol style="list-style-type: none"> <li>4. Exercise of powers conferred by these regulations by commanding officers</li> <li>5. Air force areas to be controlled by area commanders</li> <li>6. Commanding officer may order the removal of persons from air force area</li> <li>7. Commanding officer to control aircraft, vehicles, and shipping within air force area</li> <li>8. Visiting aircraft, vehicles, and shipping in air force area</li> <li>9. Commanding officer may detain certain persons</li> <li>10. Persons found in air force area to identify themselves</li> </ol> | <p style="text-align: center;"><i>Searching of Persons Entering or Leaving Air Force Areas</i></p> <ol style="list-style-type: none"> <li>11. Persons entering or leaving air force area may be searched</li> <li>12. Persons refusing to submit to search</li> <li>13. Search of woman or girl</li> <li>14. Warrant or other authority to be produced by person carrying out search</li> </ol> <p style="text-align: center;"><i>Miscellaneous Provisions</i></p> <ol style="list-style-type: none"> <li>15. Commanding officer may issue orders implementing these regulations</li> <li>16. Exercise of powers by commanding officer or responsible officer</li> <li>17. Police officer may carry out request of commanding officer</li> <li>18. Offences</li> <li>19. Penalties</li> </ol> |
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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Air Force Areas Security Regulations 1967.

(2) These regulations shall come into force on the twenty-eighth day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Royal New Zealand Air Force Act 1950:

“Air force area”, or “area”, means any land or water or building set apart, used, or occupied for the purposes of the Air Force, whether the property is owned by the Crown or is used or occupied by the Air Force with the consent of the owner:

“Aircraft” means any machine that can derive support in the atmosphere from the reaction of the air; and includes a hovercraft:

“Commanding officer”, in relation to any air force area, means the commanding officer or other officer for the time being appointed to control that area:

“Police officer” means any member of the Police within the meaning of the Police Act 1958:

“Responsible officer” means any commissioned or non-commissioned naval, army, or air force officer for the time being appointed for duty in any air force area or performing his duties in any place where any unit of the Air Force is for the time being based or exercising:

“Ship” has the same meaning as in the Shipping and Seamen Act 1952:

“Vehicle” has the same meaning as in the Transport Act 1962.

**3. Official Secrets Act not affected**—Nothing in these regulations shall derogate from the provisions of the Official Secrets Act 1951.

*Control of Air Force Areas by Commanding Officers*

**4. Exercise of powers conferred by these regulations by commanding officers**—(1) The several powers conferred on a commanding officer by these regulations shall respectively be exercisable by him only so far as he may from time to time be directed by the Air Board to exercise them, and any such direction may from time to time be varied, modified, or withdrawn by the Air Board. Where no commanding officer has been appointed in respect of any specified air force area, the powers conferred on a commanding officer by these regulations may be exercised by the Air Board or by any responsible officer directed by the Air Board to exercise them.

(2) The powers conferred on a commanding officer by these regulations shall be in addition to all other powers and authorities vested in him by virtue of his office.

**5. Air force areas to be controlled by commanding officers**—(1) Subject to any enactment or rule of law to the contrary, the commanding officer of an air force area shall have complete and absolute control of the area.

(2) The commanding officer of any air force area may in his absolute discretion control, limit, or restrict the movements or activities of any person or group of persons within the air force area in such manner as he considers necessary to ensure the complete security of the area.

(3) The commanding officer of any air force area may prohibit any person from entering the area or any part of it on the grounds that the person's presence would be prejudicial to the safety or interests of the

Air Force, or that he has done or is likely to do any act calculated to endanger or harm in the area any Crown property or any air force operation or any air force personnel. Every such officer may also permit any person to enter the area or any part of it subject to such reasonable terms and conditions as he thinks necessary to ensure the area's security.

**6. Commanding officer may order the removal of persons from air force area**—(1) The commanding officer of an air force area, or any responsible officer authorised by the commanding officer in that behalf, may, if he thinks it is in the interests of security of the area, order the removal of any person from the area or any part of it.

(2) Where any such person refuses to leave the area after being ordered to do so pursuant to subclause (1) of this regulation, the commanding officer or responsible officer, or any officer or airman authorised by either of them, may cause that person to be removed from the area or part by use of such force as is reasonable, having regard to all the circumstances of the case; and that person may be so removed accordingly.

**7. Commanding officer to control aircraft, vehicles, and shipping within air force area**—The commanding officer of any air force area may exercise complete and absolute control over every aircraft, vehicle, ship, or boat being piloted, driven, or navigated in or immediately over the area.

**8. Visiting aircraft, vehicles, and shipping in air force area**—The commanding officer of any air force area shall be entitled, so far as and whenever he thinks fit, to exercise complete and absolute control over the crew members of any visiting aircraft, vehicle, ship, or boat in the area and all persons in or engaged on the aircraft, vehicle, ship, or boat, whether they are employed by the Crown or by any other person; and he may direct the crew members or the said persons to be removed from the aircraft, vehicle, ship, or boat, if he thinks such a course of action is necessary in the interests of the security of the area, by use of such force as is reasonable, having regard to all the circumstances of the case; and those crew members or persons may be removed accordingly.

**9. Commanding officer may detain certain persons**—The commanding officer may apprehend or detain, or cause the apprehension or detention of, any person who is found within the area, if he suspects on reasonable grounds that that person is acting in a manner prejudicial to the safety or the interests of the Air Force, or has done or is likely to do any act calculated to endanger or harm in the area any Crown property or any air force operation or any air force personnel.

**10. Persons found in air force areas to identify themselves**—(1) The commanding officer of the air force area or any responsible officer or any police officer may require any person who appears to be trespassing in any air force area or any part of the area to identify himself by giving his true name and address and to give an explanation of his presence.

(2) Every person commits an offence against these regulations who, after being required pursuant to subclause (1) of this regulation to give his true name and address or to give an explanation of his presence,—

- (a) Refuses to give his true name and address or to give an explanation of his presence as aforesaid; or
- (b) Gives a name or address that is illusory for the purposes of discovery, or a false, inaccurate, or misleading explanation of his presence.

### *Searching of Persons Entering or Leaving Air Force Areas*

**11. Persons entering or leaving air force area may be searched**—Any officer or airman authorised in that behalf by the commanding officer of an air force area may search and detain for the purposes of the search—

- (a) Any person (including any clothing or other article of any kind worn by him) on his entering or leaving the air force area, or on his being found trespassing in any part of the area:  
Provided that this paragraph shall not apply to any person employed by the Crown acting in the course of his employment:
- (b) Any aircraft for the time being in the area, whether the aircraft is in the possession or under the control of a person employed by the Crown or not:
- (c) Any vehicle, ship, or boat, or any receptacle or parcel, or any other article whatsoever (whether of a like kind or not), that is for the time being in the possession or under the control of a person entering or leaving the area or who is found trespassing in any part of the area, whether the person is employed by the Crown or not.

**12. Persons refusing to submit to search**—(1) Every person who, without reasonable excuse, refuses to submit to a search in accordance with regulation 11 of these regulations commits an offence against these regulations.

(2) Without limiting the effect of subclause (1) of this regulation, any person refusing to submit to a search as provided in regulation 11 of these regulations may be forcibly searched by an officer or airman authorised in that behalf by the commanding officer of the area:

Provided that the officer or airman shall use only such force to carry out the search as is reasonably necessary, having regard to all the circumstances of the case.

(3) Without limiting the effect of subclause (2) of this regulation, any officer or airman authorised as aforesaid may, if he has reasonable grounds for so doing, detain any person entering or leaving, or attempting to enter or leave, the air force area, or found trespassing on any part of the area, for such period as is reasonably necessary for the purpose of delivering him to a police officer so that he may be searched or arrested pursuant to powers conferred on the police officer by any enactment or rule of common law.

**13. Search of woman or girl**—A woman or girl may be searched under regulation 11 or regulation 12 of these regulations only by a member of the Women's Royal New Zealand Air Force or, in any case where regulation 17 of these regulations applies, by a woman police officer.

**14. Warrant or other authority to be produced by person carrying out search**—(1) Before carrying out any search under these regulations, the authorised officer or airman concerned shall, unless it is not practicable to do so at the time of the search, produce a warrant or other written authority to carry out the search, signed by the commanding officer, to the person whom he proposes to search or, as the case may be, the person in possession or control of the aircraft, vehicle, ship, boat, receptacle, parcel, or other article that he proposes to search:

Provided that where for any reason it was not practicable to produce a warrant or other written authority at the time of carrying out the search, the officer or airman concerned shall produce the warrant or authority to the person searched as soon after the search as practicable, having regard to all the circumstances of the case.

(2) Any such warrant or other written authority may be a general one authorising the officer or airman named in it at any time to search all or any aircraft, vehicles, ships, boats, receptacles, parcels, or any other article whatsoever (whether of a like kind or not) in the possession of or under the control of any person entering or leaving, or attempting to enter or leave, the air force area under the command of the commanding officer issuing the warrant or authority, or found trespassing in any part of the area, and to search any person other than a person employed by the Crown entering or leaving the area in the course of his employment. Alternatively the warrant or authority may be a special one authorising the person named in it to carry out a specific search.

(3) The production of any warrant or other written authority issued under this regulation shall, subject to any enactment to the contrary, be sufficient evidence of the authority of the person named in it to carry out a search in accordance with these regulations and to detain any person in accordance with regulation 11 or regulation 12 of these regulations.

#### *Miscellaneous Provisions*

**15. Commanding officer may issue orders implementing these regulations**—The commanding officer of an air force area may from time to time issue such orders as he thinks necessary or expedient for the exercise of his powers under these regulations, and by means of any such orders may delegate to one or more responsible officers all or any of his powers and the discretion to exercise them.

**16. Exercise of powers by commanding officer or responsible officer**—The fact that any commanding officer or responsible officer exercises any powers under these regulations shall, in the absence of proof to the contrary, be sufficient evidence that he is duly authorised to exercise those powers.

**17. Police officer may carry out request of the commanding officer—**

(1) Any police officer may carry out the request of the commanding officer of any air force area, or of a responsible officer authorised to make the request, relating to the removal of any person, the arrest or detention of any person, or the search of any person, aircraft, vehicle, ship, boat, receptacle, parcel, or any other article whatsoever.

(2) The powers conferred on police officers by this regulation shall be in addition to the powers conferred on police officers by any other enactment or rule of common law.

**18. Offences—**Every person commits an offence against these regulations who, without reasonable excuse,—

- (a) Disobeys or fails immediately to comply with any lawful order, direction, or requirement given by the commanding officer of any air force area, or any responsible officer, police officer, or other authorised person in accordance with these regulations; or
- (b) Approaches, inspects, passes over, enters, or attempts to enter any air force area without first having obtained the permission of the Air Board, or the commanding officer of the area, or some responsible officer; or
- (c) Fails to comply with any terms or conditions on or subject to which he has been permitted to enter any air force area.

**19. Penalties—**Every person who commits an offence against these regulations is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding two hundred dollars.

P. J. BROOKS,  
Clerk of the Executive Council.

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**EXPLANATORY NOTE**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations are made pursuant to section 16 (1) (dd) and section 16 (1A) of the Royal New Zealand Air Force Act 1950, and provide for the commanding officer of any air force area to control persons in the area and prohibit or restrict unauthorised persons from entering it. The regulations also empower a commanding officer to authorise officers or airmen to search and detain for the purposes of search certain persons entering or leaving his area, or found trespassing in any part of the area, and any aircraft, vehicles, ships, boats, receptacles, parcels, or other articles under their control or in their possession.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 October 1967.

These regulations are administered in the Ministry of Defence.