



**THE ARMED FORCES DISCIPLINE REGULATIONS 1983**

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DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day  
of November 1983

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to the Armed Forces Discipline Act 1971, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Armed Forces Discipline Regulations 1983.

(2) These regulations shall come into force on the 1st day of December 1983.

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

“The Act” means the Armed Forces Discipline Act 1971:

“Able rank”, in relation to the Navy, excludes ordinary rank, artificer apprentices, and junior ranks:

“Allowances”, in relation to a serviceman, means all allowances payable to him by the Crown in respect of his service in the Armed Forces; but does not include any payment by way of expenses, refunds, or allowances to meet expenditure already incurred:

“Basic pay”, in relation to a serviceman, means the daily rate of pay for his rank and seniority (including, where applicable, trade classification or other qualification pay, but excluding other allowances):

“Leading aircraftman”, in relation to the Air Force, excludes aircraftman, cadet aircrew, aircraft apprentice, and airman cadet.

**3. Reduction in rank**—(1) If a court-martial sentences an officer to reduction in rank, it may reduce his rank to any lower commissioned rank in his service.

(2) Subject to subclause (3) of this regulation, if a court-martial sentences a rating to reduction in rank, or an officer exercising summary powers imposes a punishment of reduction in rank on a rating, the court-martial or officer may reduce the rating's rank—

(a) To any lower rank, not below able rank, in his branch; or

(b) In the case of the Regulating Branch or the Physical Training Branch, to any lower rank, not below able rank, in the rating's former branch for which he is qualified.

(3) No rating of a branch or specialisation specified in the first column of the First Schedule to these regulations may be reduced in rank to a rank below that specified in the second column of that Schedule in respect of that branch or specialisation.

(4) If a court-martial sentences a soldier to reduction in rank, or an officer exercising summary powers imposes a punishment of reduction in rank on a soldier, the court-martial or officer may reduce the soldier's rank to any lower rank, not below private, in the Army.

(5) If a court-martial sentences an airman to reduction in rank, or an officer exercising summary powers imposes a punishment of reduction in rank on an airman, the court-martial or officer may reduce the airman's rank to any lower rank, not below leading aircraftman, in the Air Force.

(6) Subject to subclauses (7) and (8) of this regulation, if a punishment of reduction in rank is imposed on a serviceman, that serviceman shall, notwithstanding the period of seniority credited to him in the rank to which he is reduced, serve a minimum of 1 year in that rank before he is eligible for promotion to the next higher rank.

(7) Where any serviceman to whom subclause (6) of this regulation applies is on active service, a superior commander may authorise such earlier promotion of that serviceman as, in his opinion, the exigencies of the service require.

(8) Where, in respect of such a serviceman who is not on active service, a superior commander is of the opinion that—

(a) The exigencies of the service require earlier promotion of the serviceman; and

(b) The serviceman's conduct since his conviction would justify earlier promotion,—  
the superior commander may authorise such earlier promotion of the serviceman as, in his opinion, the exigencies of the service require.

**4. Forfeiture of seniority**—If a court-martial sentences a serviceman to forfeiture of seniority, it may forfeit all or part of the serviceman's seniority in the rank that he holds on the day on which the sentence is passed, and the serviceman shall take rank and precedence in his service accordingly.

**5. Stay of seniority**—(1) If a court-martial sentences a serviceman to a stay of seniority, the serviceman shall remain in the rank and retain the amount of seniority that he has on the day on which the sentence is passed for such period, not exceeding 2 years, as the court-martial specifies.

(2) If an officer exercising summary powers imposes a punishment of a stay of seniority on a serviceman, the serviceman shall remain in the rank and retain the amount of seniority that he has on the day on which the punishment is imposed for such period, not exceeding 1 year, as the officer specifies.

**6. Forfeiture of pay on civil conviction**—(1) Where a serviceman is convicted of an offence by a civil court, he shall forfeit 1 day's basic pay and allowances for each day during which he is in civil custody, or in close arrest, or suspended from duty, in respect of any such offence, whether before or after conviction or both.

(2) Notwithstanding subclause (1) of this regulation but subject to subclause (3) of this regulation, in any case to which subclause (1) of this regulation applies the commanding officer may cancel the forfeiture in whole or in part in respect of the period preceding the conviction.

(3) The commanding officer shall not cancel a forfeiture that exceeds 3 days' basic pay and allowances without the prior approval of the Chief of Staff of the service to which the serviceman belongs or is attached.

**7. Forfeiture of pay on service conviction for period before conviction**—(1) Where a serviceman is convicted of an offence by a court-martial or is found guilty of an offence by an officer exercising summary powers, he shall forfeit 1 day's basic pay and allowances for each day during which he is in civil custody, or in close arrest, or suspended from duty, in respect of such offence, before conviction or the finding of guilty.

(2) Notwithstanding subclause (1) of this regulation, in any case to which that subclause applies the court-martial that convicted the serviceman or the officer who found him guilty may cancel the forfeiture in whole or in part.

**8. Forfeiture of pay on service conviction for period after conviction**—(1) Where a serviceman is convicted of an offence by a court-martial and is sentenced to death, imprisonment, or dismissal from Her Majesty's Service, he shall forfeit 1 day's basic pay and allowances for each day during which he is in civil or service custody or suspended from duty in respect of such offence after conviction.

(2) Where a serviceman is convicted of an offence by a court-martial or is found guilty of an offence by an officer exercising summary powers and is sentenced to detention, he shall forfeit 1 half-day's basic pay for each day during which he is in civil or service custody in respect of such offence after conviction.

**9. Calculation of period of forfeiture**—(1) In calculating the number of days of custody or suspension from duty for the purposes of any of regulations 6 to 8 and 10 of these regulations, if such period, whether a continuous period or a number of separate periods of custody or suspension, calculated in hours,—

- (a) Is less than 24 hours, it shall be counted as 1 day; or
- (b) Is more than 24 hours, each multiple of 24 hours shall be counted as 1 day and any remaining number of hours shall be counted as a further day.

(2) Notwithstanding subclause (1) of this regulation, no period in respect of which the serviceman would not otherwise have been entitled to pay and allowances shall be counted in calculating the number of days of custody or suspension.

**10. Withholding of pay, etc.**—(1) This regulation applies to every case where a serviceman is alleged to have committed an offence and is in civil custody, or in close arrest, or is suspended from duty, as a result of that allegation.

(2) Where the period of custody or suspension from duty does not exceed 14 days, the serviceman's commanding officer may order the withholding of all or part of the pay and allowances to which the serviceman would otherwise be entitled during that period pending his conviction or acquittal.

(3) Where the period of custody or suspension from duty exceeds 14 days, the serviceman's commanding officer shall, unless the Secretary of Defence otherwise directs, order the withholding of any further pay and allowances to which the serviceman would otherwise be entitled during that period pending his conviction or acquittal.

(4) All pay and allowances withheld under this regulation shall, subject to regulation 11 of these regulations, be credited to the serviceman on his conviction or acquittal, or as soon thereafter as is reasonably practicable.

**11. Recovery of forfeitures**—Subject to regulation 13 of these regulations, where a serviceman is to forfeit pay and allowances under any of regulations 6 to 8 of these regulations, the pay and allowances that are to be forfeited may, without limiting any other mode of recovery, be recovered from the serviceman by the Crown—

- (a) By deduction from any pay and allowances that would otherwise have been payable to him in respect of the whole or any part of the period during which he was in custody or suspended from duty prior to his conviction, but which have been withheld from him in accordance with regulation 10 of these regulations; and
- (b) To the extent that such pay and allowances (if any) are insufficient to meet the pay and allowances that are to be forfeited, by deduction from, or withholding or delaying payment of, any other pay and allowances or other money due, owing, or payable to him by the Crown in relation to his service in the Armed Forces.

**12. Recovery of fines, compensation, etc.**—(1) Subject to subclause (2) of this regulation and regulation 13 of these regulations, where a person subject to the Act has been convicted by a court-martial or found guilty by an officer exercising summary powers of an offence against the Act and has been fined or ordered to pay compensation or make some other payment for which he may be liable under the Act, such fine, compensation,

or other payment may be recovered by deduction from, or withholding or delaying payment of, any money due, owing, or payable to him by the Crown in relation to his service in the Armed Forces.

(2) No deduction from, or withholding or delaying payment of, any money pursuant to subclause (1) of this regulation shall exceed such sum as will allow him to draw a minimum of 20 percent of his basic pay per day.

**13. Limitation on recovery**—Notwithstanding regulations 11 and 12 of these regulations, no deductions from, or withholding or delaying payment of, any retiring allowance or other money granted or payable under the Government Superannuation Fund Act 1956 to any person subject to the Act or on the death of any person subject to the Act shall be made under either of those regulations.

**14. Revocations**—The regulations specified in the Second Schedule to these regulations are hereby revoked.

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## SCHEDULES

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### FIRST SCHEDULE

Reg. 3 (3)

#### LIMITS ON DEGREE TO WHICH RATINGS MAY BE REDUCED IN RANK

Branch or Specialisation	Lowest Rank to which Rating may be Reduced
Marine Engineering Artificer ..	Petty Officer Marine Engineering Artificer.
Marine Engineering Mechanician	Petty Officer Marine Engineering Mechanician.
Shipwright .. .. .	Petty Officer Shipwright.
Control Electrical Artificer ..	Petty Officer Control Electrical Artificer.
Control Electrical Mechanician ..	Petty Officer Control Electrical Mechanician.
Radio Electrical Artificer ..	Petty Officer Radio Electrical Artificer.
Radio Electrical Mechanician ..	Petty Officer Radio Electrical Mechanician.
Weapon Electrical Artificer ..	Petty Officer Weapon Electrical Artificer.
Weapon Electrical Mechanician ..	Petty Officer Weapon Electrical Mechanician.

## SECOND SCHEDULE

Reg. 14

## REGULATIONS REVOKED

Regulations	Serial Number
<i>Regulations Relating to the Navy</i>	
The Navy Regulations 1958 .. .. .	1958/3
The Navy Regulations 1958, Amendment No. 1 .. .. .	1959/40
The Navy Regulations 1958, Amendment No. 2 .. .. .	1959/114
The Navy Regulations 1958, Amendment No. 3 .. .. .	1963/117
The Navy Regulations 1958, Amendment No. 4 .. .. .	1967/275
The Navy Regulations 1958, Amendment No. 5 .. .. .	1972/105
The Navy Regulations 1958, Amendment No. 6 .. .. .	1978/256
The Navy Regulations 1958, Amendment No. 7 .. .. .	1981/321
<i>Regulations Relating to the Army</i>	
The Army Regulations 1951 .. .. .	1951/272
The Army Regulations 1951, Amendment No. 1 .. .. .	1977/151
The Army Regulations 1951, Amendment No. 2 .. .. .	1982/191
<i>Regulations Relating to the Air Force</i>	
The Royal New Zealand Air Force Regulations 1968	1968/233
The Royal New Zealand Air Force Regulations 1968, Amendment No. 1 .. .. .	1977/152
The Royal New Zealand Air Force Regulations 1968, Amendment No. 2 .. .. .	1982/192

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations are made pursuant to the Armed Forces Discipline Act 1971.

*Regulations 3 to 5* specify the conditions under which persons convicted of offences against the Act may be sentenced to reduction in rank, forfeiture of seniority, or stay of seniority.

*Regulations 6 to 13* provide for the forfeiture of pay, the recovery of amounts forfeited, and the recovery of fines imposed or compensation ordered following conviction under the Act.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 November 1983.

These regulations are administered in the Ministry of Defence.