



**THE ARMED FORCES DISCIPLINE RULES OF PROCEDURE 1983,
AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of April 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 150 of 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 rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Armed Forces Discipline Rules of Procedure 1983, Amendment No. 2, and shall be read together with and deemed part of the Armed Forces Discipline Rules of Procedure 1983* (hereinafter referred to as the principal rules).

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

2. Amendments consequential upon the abolition of the Defence Council—The provisions of the principal rules specified in the first column of the Schedule to these regulations are hereby amended in the manner indicated in the second column of that Schedule.

3. Acceptance of plea of guilty—Regulation 89 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) The court-martial shall not accept a plea of guilty unless it is satisfied that the accused understands the nature of the offence and the general effect of the plea.”

Rule 2

SCHEDULE

AMENDMENTS CONSEQUENTIAL UPON THE ABOLITION OF THE DEFENCE
COUNCIL

Provision	Amendment
Rule 5	By omitting from subclause (1), and also from subclause (2), the words “Defence Council”, and substituting in each case the words “Chief of Defence Force”.
Rule 6	By omitting from paragraph (d) the words “Defence Council”, and substituting the words “Chief of Defence Force”.
Rule 9	By omitting from subclause (2), and also from subclause (3), the words “Defence Council”, and substituting the words “Chief of Defence Force”.
Rule 31	By omitting from subclause (1) the words “Defence Council”, and substituting the words “Chief of Defence Force”.
Rule 32	By omitting from paragraph (e), and also from paragraph (f), and also from paragraph (g), the words “Defence Council”, and substituting in each case the words “Chief of Defence Force”.
Rule 48	By omitting from subclause (1) the words “Defence Council”, and substituting the words “Chief of Defence Force”.
Rule 49	By omitting from subclause (1) the words “Defence Council”, and substituting the words “Chief of Defence Force”.
Rule 50	By omitting from paragraph (e), and also from paragraph (f), and also from paragraph (g), the words “Defence Council”, and substituting in each case the words “Chief of Defence Force”.
Rule 51	By omitting from subclause (1), and also from subclause (2), the words “Defence Council”, and substituting in each case the words “Chief of Defence Force”.
Rule 58	By omitting from subclause (1) (a) the words “Defence Council”, and substituting the words “Chief of Defence Force”.

SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON THE ABOLITION OF THE DEFENCE
COUNCIL—*continued*

Provision			Amendment
Rule 59	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 75	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 76	..	..	By omitting the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 77	..	..	By omitting from subclause (2) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 78	..	..	By omitting from subclause (3) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 98	..	..	By omitting the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 112	..	..	By omitting from subclause (3) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 116	..	..	By omitting from subclause (3) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 119	..	..	By omitting from subclause (2) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 123	..	..	By omitting from subclause (2), and also from subclause (4), the words "Defence Council", and substituting in each case the words "Chief of Defence Force".
Rule 125	..	..	By omitting from subclause (3) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 127	..	..	By omitting from subclause (8) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 128	..	..	By omitting from subclause (2) (a) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 132	..	..	By omitting from subclause (2) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 139	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".

SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON THE ABOLITION OF THE DEFENCE
COUNCIL—*continued*

Provision			Amendment
Rule 140	..	..	By omitting from subclause (2) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 143	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 149	..	..	By omitting from subclause (3) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 151	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 152	..	..	By omitting from subclause (2) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 156	..	..	By omitting from subclause (2) (a) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 162	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 164	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".
Rule 165	..	..	By omitting from subclause (1) the words "Defence Council", and substituting the words "Chief of Defence Force".

C. J. HILL,
for Clerk of the Executive Council.

EXPLANATORY NOTE

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

These rules are largely consequential upon the enactment of the Defence Act 1990. In particular, they are consequential upon the abolition of the Defence Council and the vesting of its functions, duties, and powers (to a large extent) in the Chief of Defence Force. The amendment to rule 89 is consequential upon the abolition of the death penalty.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 April 1990.

These rules are administered in the Ministry of Defence.