

1972/117



THE DEFENCE REGULATIONS 1972

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of June 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Defence 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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REGULATIONS

PART I

Preliminary

1. Title and commencement—(1) These regulations may be cited as the Defence Regulations 1972.

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

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

“The Act” means the Defence Act 1971:

“Appointed officer” means an officer appointed under section 51 of the Act by the Defence Council:

“Authorised serviceman” means a serviceman authorised under regulation 31 of these regulations by the officer in charge of a defence area:

“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 and badge pay, but excluding other allowances):

“Constable” means a constable of the Police of New Zealand:

“Gross pay” or “pay” means all pay and allowances that a serviceman is eligible to receive:

“Invention” means any invention, discovery, or improvement in a process, apparatus, or machine used for the purposes of the Armed Forces:

“Officer in charge”, in relation to a defence area, means—

(a) The officer commanding the area; or

(b) If there is no officer commanding the area, the officer commanding the major unit occupying the area; or

(c) Any other person declared by the Defence Council to be the officer in charge:

“Orders” means Defence Council Orders issued under section 28 of the Act, and includes any orders and instructions which, under subsection (7) of section 89 of the Act, are in force as if they were Defence Council Orders:

“Ordinary risks of service” means risks that arise solely out of and in the course of a serviceman’s duty in the Armed Forces from situations that are—

(a) Peculiar to conditions in the Armed Forces; or

(b) Common to conditions in the Armed Forces and in civilian life, if the Crown would be liable under any rule of law other than regulation 8 of these regulations for loss or damage suffered by the serviceman arising out of any such risk:

“Personal effects” means any effects (other than service kit) that a serviceman has in his possession:

“Restricted place” means any defence area or part of a defence area that is declared to be a restricted place under regulation 37 of these regulations:

“Regular serviceman” means a serviceman of the regular forces:

“Reserve serviceman” means a serviceman of the reserve forces:

“Service kit” includes all items of uniform, regulation kit, and special clothing that are purchased by or issued to or on loan to a serviceman and are required by him in the proper performance of his duty, and all items of arms, personal equipment, instructional publications, tools, and other stores that are on individual issue or loan to a serviceman:

“Superior authority”—

(a) In relation to any serviceman serving in or attached to the Navy, means the Defence Council or any officer of flag rank or commodore:

(b) In relation to any serviceman serving in or attached to the Army, has the same meaning as the term “superior military authority” has in subsection (1) of section 2 of the New Zealand Army Act 1950:

(c) In relation to any serviceman serving in or attached to the Air Force, has the same meaning as the term “superior air force authority” has in section 2 of the Royal New Zealand Air Force Act 1950:

“Territorial serviceman” means a serviceman of the territorial forces.

PART II

Terms and Conditions of Service

3. Oath of allegiance—(1) For the purpose of section 37 of the Act, the oath of allegiance shall be in the following form, or in a form to the like effect:

“I, [*Name*], solemnly promise and swear that I will be faithful and bear true allegiance to our Sovereign Lady the Queen, her heirs and successors, and that I will faithfully serve in the New Zealand Naval Forces/the New Zealand Army/the Royal New Zealand Air Force [*Delete the Services that are not appropriate*], and that I will loyally observe and obey all orders of Her Majesty, her heirs and successors, and of the officers set over me, until I shall be lawfully discharged. So help me God.”

(2) This regulation does not derogate from section 4 of the Oaths and Declarations Act 1957, which entitles a person to make an affirmation instead of taking an oath.

4. Grants on death of regular serviceman—(1) Where a regular serviceman dies during service, the Secretary of Defence may authorise the making of a grant to any dependant or dependants of the serviceman, not exceeding in the aggregate the amount that, if the serviceman had taken the leave (other than release leave) that he had accrued at the date of his death, he would have received in gross pay in respect of such leave.

(2) Where a regular serviceman dies during service, the Secretary of Defence may also—

(a) If death is not attributable to service in the Armed Forces and a war pension is not payable in respect of the serviceman, authorise the making of a grant to any dependant or dependants of the serviceman, not exceeding in the aggregate either—

(i) The amount that, if the serviceman had been entitled at the date of his death to take the release leave that had then accrued to him, he would have received in gross pay in respect of such leave; or

(ii) An amount equal to one-sixtieth of his gross annual pay at the date of his death for each whole year of service that he had completed—

whichever amount is the greater; or

- (b) If death is attributable to service in the Armed Forces and a war pension is payable in respect of the serviceman, authorise with the concurrence of the Secretary to the Treasury the making of a grant to any dependant or dependants of the serviceman, not exceeding in the aggregate the sum of—

(i) The amount that, if the serviceman had been entitled at the date of his death to take the release leave that had then accrued to him, he would have received in gross pay in respect of such leave; and

(ii) The amount that, if the serviceman had been entitled to leave the Armed Forces at the date of his death, he would have received by way of an end of service grant.

(3) Notwithstanding subclause (2) of this regulation, the Secretary of Defence may, if he considers it desirable to do so on grounds of financial hardship, authorise the making of an immediate advance to any dependant or dependants of a deceased serviceman to whom subclause (1) or subclause (2) of this regulation applies, not exceeding in the aggregate \$70. The advance shall be deducted from any grants made in respect of the serviceman under subclauses (1) and (2) of this regulation.

5. Grant on death of territorial serviceman—Where a territorial serviceman dies and his death is attributable to service in the Armed Forces, the Secretary of Defence may, if he considers it desirable to do so on grounds of financial hardship, authorise the making of an immediate grant to any dependant or dependants of the serviceman, not exceeding in the aggregate \$70.

6. Continuation of pay of missing or captured servicemen—(1) Subject to subclause (2) of this regulation, a serviceman shall, during any period that he is missing on active service or a captive of the enemy, continue to receive his basic pay and any allowances that are paid on a continuing basis with his basic pay, but the Secretary of Defence may from time to time determine the manner in which such pay and allowances shall be paid out.

(2) Where a court of inquiry finds that by reason of his own wrongful conduct or neglect, a serviceman is or was for any period missing on active service or a captive of the enemy, such pay as is due to him and unpaid in respect of that period may be withheld from payment to him or to his order.

(3) Notwithstanding subclause (2) of this regulation, the Secretary of Defence may authorise such allotments as he specifies to be paid from the pay of the serviceman to his dependants, and to meet contractual obligations for mortgage repayments, rent, superannuation contributions, insurance premiums, and other obligations.

7. Expenses for attending selection boards or medical examinations—

(1) A person (other than a regular serviceman) who is required to attend a selection board or interview, or a medical examination in respect of an application for an appointment or for enlistment in the Armed Forces or for appointment as an officer in the Cadet Forces, or a medical examination arranged for dependants who are to accompany servicemen overseas, shall be entitled—

- (a) To be provided at public expense with return transport between his place of residence and the place where the selection board, interview, or medical examination is held; and
- (b) To be provided at public expense with accommodation and meals while he so attends or, at the discretion of the Secretary of Defence, to be reimbursed for the actual and reasonable costs of any accommodation and meals paid for by him while he so attends.

(2) An applicant for appointment or enlistment as a territorial or reserve serviceman (other than a regular serviceman) who is required to attend during his normal working hours a selection board or interview, or a medical examination, may at the discretion of the Secretary of Defence be reimbursed for any salary or wages lost by him in respect of the time that he is absent from his place of employment for the purpose of such attendance.

8. Compensation for loss of or damage to kit—(1) A serviceman who suffers any loss of or damage to his service kit—

- (a) In the case of loss, or of damage that is of such a nature as to render the total or partial replacement of the kit necessary, shall be entitled to have the kit or the part replaced or, at the discretion of the Secretary of Defence, to be reimbursed for the actual and reasonable cost of such replacement;
- (b) In the case of damage that is not of such a nature as to render the total or partial replacement of the kit necessary, may be paid such amount as the Secretary of Defence thinks fit in compensation for the damage.

(2) A serviceman who suffers any loss of or damage to his personal effects may be paid such amount as the Secretary of Defence thinks fit in compensation for such loss or damage.

(3) No compensation shall be awarded under this regulation in respect of—

- (a) Loss or damage that is not attributable to the ordinary risks of service, except as provided in paragraph (b) of this subclause;
- (b) Loss of or damage to any article while the serviceman is on leave, unless the article is lost or damaged while held in the custody of the Ministry of Defence or in the opinion of the Secretary of Defence special circumstances exist;
- (c) Loss of money, or loss of any article (including money) by theft, unless the money is lost or the article is stolen while held in the custody of the Ministry of Defence;
- (d) Loss of or damage to any article that is transported in any vehicle, ship, or aircraft, otherwise than for Service reasons:

- (e) Loss or damage that is covered by an insurance policy for which the premiums are payable or refundable to the serviceman at public expense:
- (f) Loss of or damage to any personal effects if the serviceman could have insured against such loss or damage at ordinary commercial rates without incurring additional premiums by reason of the nature of his duty in the Armed Forces:
- (g) Loss or damage that is attributable to the serviceman's own neglect:
- (h) Loss of or damage to any personal effects (other than personal effects held in the custody of the Ministry of Defence) that are, in the opinion of the Secretary of Defence, not personal effects that a serviceman may be reasonably expected to have in his possession while on duty.

(4) Where, under this regulation, a serviceman has had any part of his service kit replaced or has been reimbursed for the cost of such replacement, or has received compensation for damage to any part of his service kit or loss of or damage to any of his personal effects, and the article that has been replaced or in respect of which he has been reimbursed or has received compensation is subsequently recovered, he shall—

- (a) Either return to the Ministry of Defence the article that was issued by way of replacement, or pay to the Crown the value of the article so issued; or
- (b) Refund to the Crown the money paid to him by way of reimbursement or compensation—

as the case may be:

Provided that if the article so recovered is in a damaged condition, the serviceman may claim compensation under this regulation in respect of that damage.

(5) Where, under this regulation, a serviceman has had any part of his service kit replaced or has been reimbursed for the cost of such replacement, or has received compensation for damage to any part of his service kit or loss of or damage to any of his personal effects, he shall, if required by the Secretary of Defence to do so, pay to the Crown—

- (a) Any amount recovered by him under any insurance policy for such loss or damage, less the amount of any premium required to restore the policy to its original cover value; and
- (b) Any amount recovered by him from any other person in respect of such loss or damage—

but the total amount that he may be required to pay under this subclause shall not exceed the value of the article issued to him by way of replacement or, as the case may be, the amount that he has received under this regulation by way of reimbursement or compensation.

(6) Any money payable by a serviceman to the Crown under subclause (4) or subclause (5) of this regulation shall, without prejudice to any other mode of recovery, be recoverable as a debt due to the Crown.

9. Injuries suffered by servicemen in authorised sports—(1) For the purpose of this regulation, a serviceman is participating in an authorised sport if—

- (a) He has been lawfully ordered to participate in that sport by any person who is entitled to exercise powers of command over him; or

(b) His commanding officer has expressly or impliedly permitted him to participate in that sport in the interests of the serviceman's efficiency.

(2) Subject to such conditions as may from time to time be prescribed by Orders, any injury suffered by a serviceman while he is participating in an authorised sport shall be deemed to be an injury that is attributable to his service in the Armed Forces.

10. Visits by next of kin to sick or wounded servicemen—Where a serviceman in receipt of pay is seriously ill or is undergoing prolonged treatment in hospital, the Secretary of Defence may, for the purpose of enabling any of the next of kin of the serviceman to visit him, provide them with return travel at public expense between their places of residence and the place where the serviceman is being treated, and may authorise the reimbursement to them of the actual and reasonable costs paid by them for any necessary accommodation incidental to such visits.

11. Travel privileges for next of kin attending Investitures—Where any order, decoration, or medal issued under Royal Warrant is to be conferred on or in respect of any person with regard to his service in the Armed Forces, the Secretary of Defence may provide any of that person's next of kin with return travel at public expense between their places of residence and the place where the ceremony is to take place.

12. Stoppages of pay in respect of loss or damage—(1) Where after an investigation has been held in accordance with Orders, it is found that any loss or destruction of or damage to public or other property has resulted directly or indirectly from the wrongful conduct or negligence of a serviceman in the course of or in connection with his duties (whether or not he was the sole cause of such loss, destruction, or damage), the Chief of Staff of the Service to which he belongs or, in the case of a serviceman who is for the time being attached to another Service, the Chief of Staff of that other Service, may order that such sum as he specifies shall be stopped from the basic pay due or to become due to the serviceman to make good wholly or partly the loss, destruction, or damage.

(2) Where, after an investigation has been held in accordance with Orders, it is found that any loss has resulted from the unlawful retention by a serviceman of any pay of another serviceman, a superior authority may order that the sum required to make good that loss shall be stopped from the basic pay due or to become due to the first serviceman.

(3) No stoppage shall be ordered under this regulation that is greater than a sum sufficient to make good the loss or destruction of or damage to property, or the loss of the money, as the case may be, in respect of which the order is made.

(4) Any stoppage ordered under this regulation may, without prejudice to any other mode of recovery, be deducted from the basic pay or any sums due or to become due to the serviceman, but the rate of deduction shall not exceed such sum as will allow him to draw a minimum of \$1.00 per day in basic pay.

(5) Every stoppage under this regulation shall be applied for the purpose for which it is ordered.

13. Bonds—(1) Where any public money is to be specially advanced to or specially expended on behalf of a serviceman with the approval of the Secretary of Defence, in connection with transportation, education, training, sustenance, or any other purpose, the Secretary of Defence may require the serviceman as a condition of that advance or expenditure to sign a bond in a form to be determined by the Secretary of Defence, requiring the serviceman to repay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond.

(2) The amount payable under the bond shall be reduced progressively during the currency of the bond by a proportion that is for the time being equivalent to that which the service rendered by the serviceman in accordance with the condition of the bond bears to the full period of service required for the discharge of the bond.

(3) The Secretary of Defence may require that the bond shall also be signed as surety by a parent or guardian of the serviceman, or by any other person approved by the Secretary of Defence; and the parent or guardian or other person who signs the bond shall be jointly and severally liable thereunder with the serviceman.

(4) Every bond shall be enforceable by the Crown against the serviceman, and against every surety who signs it.

14. Funerals—(1) Subject to such conditions as may from time to time be prescribed by Orders, a Chief of Staff may order that a funeral be provided at public expense for a regular serviceman who dies while serving in his Service, or for any other serviceman in that Service who dies while in receipt of Service pay or whose death is attributable to service in the Armed Forces.

(2) Where a funeral is provided for a serviceman under this regulation, no liability shall be incurred by the Crown or the Defence Council or any Chief of Staff by reason of any instructions given by any relative or friend of the deceased.

15. Educational, training, and entertainment funds—(1) The Minister, with the concurrence of the Minister of Finance, may from time to time authorise on such conditions as the Minister may specify the establishment, out of money appropriated by Parliament for the purpose, of funds for all or any of the following purposes:

- (a) A fund for the provision and development in any Armed Forces establishment of educational activities and hobbies for servicemen;
- (b) A fund for the welfare and benefit of servicemen of the Territorial Force of the New Zealand Army;
- (c) A Training Service Fund in any naval training establishment;
- (d) A Ship's Improvement Fund for any naval ship or establishment;
- (e) To provide allowances for seagoing naval ships in commission for the entertainment of official guests.

(2) Every existing Training Service Fund established under regulation 24 of the Navy Regulations 1958*, every existing educational and hobbies fund established under regulation 25 of the said Navy Regulations, and every existing Ship's Improvement Fund established under regulation 26 of the said Navy Regulations, shall be deemed to have been established under this regulation.

16. Establishment of messes—(1) The commanding officer of any naval ship, unit, or defence area, or of any other place where any part of the Armed Forces is situated, may establish and name messes therein, and make rules for the conduct and membership of such messes in accordance with the appropriate Service usage.

(2) The commanding officer may authorise a mess to purchase intoxicating liquor and other commodities, articles, and amenities from the Armed Forces Canteen Council or any other lawful source, for sale and supply in the mess to members, and may also authorise members and their guests to possess and consume such liquor in the mess.

(3) All profits derived from a mess shall belong to the mess funds of that mess, and shall not be part of any unit funds.

(4) If any part or parts of the Armed Forces having an established mess are at any time abolished, altered, amalgamated, or reconstituted, any mess funds and mess property belonging to that part or parts of the Armed Forces shall be disposed of in accordance with the directions of the Chief of Staff of the Service concerned.

(5) Every established mess that is conducted in accordance with the Army Regulations 1951*, the Royal New Zealand Air Force Regulations 1968†, or Navy Instructions, shall be deemed to have been established under this regulation.

17. Grants to bands—(1) The Minister, with the concurrence of the Minister of Finance, may authorise on such conditions as the Minister may specify the payment, out of money appropriated by Parliament for the purpose, of an annual grant to each band of the territorial or reserve forces approved by the Defence Council.

(2) Every grant shall be made as soon as possible after the 1st day of April in each year and shall be applied for the upkeep and maintenance of the band in respect of which it is made.

18. Social welfare organisations—(1) The Minister may authorise any social welfare organisation to provide welfare amenities for servicemen on such conditions, if any, as he may from time to time specify.

(2) The Minister may at any time revoke any such authority.

19. Apprentices—(1) For the purpose of binding any serviceman as an apprentice, an indenture of apprenticeship in the form or to the effect prescribed in the First Schedule to these regulations may be executed by the serviceman of the one part and by an appointed officer of the other part. If the serviceman is under 20 years of age, the indenture shall also be executed by his parent or guardian. If the serviceman has no parent or guardian living or residing in New Zealand, a Magistrate or two Justices of the Peace shall join with the serviceman in executing the indenture.

(2) Except as otherwise provided in any other enactment, or in any agreement made between the parties to an indenture, every apprenticed serviceman shall be bound by the terms of the indenture during its currency.

*S.R. 1951/272
†S.R. 1968/233

(3) A parent or guardian who is a party to an indenture shall be bound by its terms until the serviceman reaches the age of 20 years; and on his reaching that age the indenture shall cease to apply to the parent or guardian.

(4) Any appointed officer may from time to time, in the interests of the efficiency of the Armed Forces,—

(a) With the consent of the other parties, vary the terms of any indenture:

(b) Discharge any indenture.

(5) When he is satisfied that a serviceman has duly completed his apprenticeship, an appointed officer shall award a certificate to the serviceman certifying that the serviceman has duly completed his apprenticeship.

(6) If for any reason a serviceman does not complete his apprenticeship, an appointed officer shall on the completion of the serviceman's service in the Armed Forces supply the Commissioner of Apprenticeship under the Apprentices Act 1948 with a statement in writing setting out the period of apprenticeship completed by the serviceman.

(7) For the purpose of supplementing the trade training of any apprenticed serviceman, an appointed officer may temporarily transfer the serviceman to any other employer.

(8) Notwithstanding anything to the contrary in any other Act, every serviceman temporarily transferred under subclause (7) of this regulation shall remain subject to the Act and the Armed Forces Discipline Act 1971.

20. Insurance indemnities in respect of flying accidents—(1) Except as provided in this regulation, no special insurance cover shall be provided at public expense in respect of the death of a serviceman while travelling by air, and no premiums payable in respect of such cover shall be refundable from public money to a serviceman or to his estate.

(2) Subject to subclause (3) of this regulation, where a serviceman travels on duty outside New Zealand in an aircraft, there shall be refundable to him or to his estate from the Public Account any premium paid by him—

(a) To effect a special accident insurance policy in order to increase the amount of cover on an existing policy of insurance on the serviceman's life to an amount not exceeding \$4,000 in respect of the flight; or

(b) Where he does not hold any existing policy, to provide insurance cover on his life to any amount not exceeding \$4,000 in respect of the flight.

(3) Where a serviceman travels on duty inside or outside New Zealand in an aircraft (other than as a passenger on a scheduled flight of a recognised air line)—

(a) If any existing policy of insurance on his life, up to a maximum cover of \$10,000, requires an additional premium to keep it in force during the flight, that additional premium shall be refundable to him or to his estate from the Public Account:

(b) If that policy is rendered void by reason of the flight and cannot be kept in force by payment of an additional premium, the serviceman or his estate shall be indemnified from the Public

Account against any loss resulting directly from the avoidance of the policy, to the amount covered but not exceeding in any event the sum of \$10,000.

(4) Where insurance cannot be obtained or any existing cover is rendered void by reason of travel in an aircraft to or in an area classed by underwriters as a war zone, a serviceman or his estate may be indemnified from the Public Account as if he had taken special accident insurance for the amount of \$4,000 in respect of the flight. The basis of such indemnity shall be:

Death; or	}	\$4,000
Loss of 2 limbs or 2 eyes; or		
Loss of 1 limb and 1 eye	}	\$2,000
Loss of 1 limb or 1 eye		

(5) The Minister may in time of war or other like emergency, by notice published in the *Gazette*, suspend or modify this regulation. Every notice shall also be promulgated in Orders.

PART III

Inventions and Patents

21. Application of Part III—This Part of these regulations shall apply to—

- (a) Regular servicemen; and
- (b) Territorial or reserve servicemen who are for the time being liable for continuous service under section 43 or section 44 of the Act.

22. Restrictions on applications for patents—(1) No serviceman may apply for or obtain a patent for any invention except in accordance with this Part of these regulations and Orders.

(2) Every invention made by a serviceman shall be deemed to belong to and be held in trust for the Crown until such time as a decision respecting the invention has been given by the Defence Council. Pending that decision an inventor shall not disclose to unauthorised persons the subject matter of the invention, or permit any information relating to the invention to be published.

23. Restrictions on trials of inventions—Every invention shall in the first instance be referred to the Defence Council or to such person as the Defence Council may direct. No serviceman shall authorise the trial of any invention unless he has first obtained the authority of the Defence Council.

24. Employment of agents—Any inventor who desires to obtain patent protection shall be permitted, without prior authority, to file in the New Zealand Patent Office an application for a patent accompanied by a provisional specification; but he shall not, without the prior written authority of the Defence Council, employ an agent or any other person in connection with the preparation of his specifications and the filing of his application at the Patent Office. The Defence Council shall not withhold such authority if the title of the invention and the name of the proposed

agent is disclosed, and the Defence Council is satisfied that no disclosure of information that may be detrimental to the interests of the State would be involved by the employment of that agent or other person.

25. Compulsory applications for patents—An inventor who does not wish to apply for the grant of a patent for an invention that he has made shall nevertheless, if required to do so by the Secretary of Defence, at public expense do all necessary acts in order to obtain the grant of letters patent in New Zealand or in any other specified country to secure protection of the invention for Government purposes. In all other circumstances, the expenses in connection with an application for and the grant of letters patent shall be borne by the inventor.

26. Agreements to be entered into—An inventor shall, as soon as he has filed his application in the Patent Office, send 2 copies of the provisional specification to his commanding officer through the normal channels, together with 3 completed and signed copies of an agreement in the form or to the effect prescribed in the Second Schedule to these regulations.

27. Powers of Defence Council—Without restricting its general powers in that behalf, the Defence Council may—

- (a) Where it wishes to retain complete control of any invention, order the assignment of the invention, and any letters patent granted in respect of the invention, to the Crown or such Government department or person on behalf of the Crown as the Minister may direct, in either of which cases the inventor shall not dispose of any commercial uses of the invention except as hereinafter provided:
- (b) Where it is satisfied with an agreement giving to the New Zealand Government, and, if it considers it is necessary, the Government of any other part of the Commonwealth, and any persons authorised by any such Government, a right to use any invention for the services of the State without legal obligation, give leave to the inventor to dispose of his invention for commercial purposes:
- (c) Where it does not consider that it has any interest in any invention, authorise the inventor to deal with the invention as he thinks fit, in which case he shall be deemed to be thereby released from the obligations into which he has entered pursuant to regulation 26 of these regulations.

28. Royalties and rewards—(1) Where an invention having an industrial application has been assigned to the Crown or to any person on behalf of the Crown, the Secretary of Defence may—

- (a) Himself deal with the commercial rights, in which case the inventor shall be granted an appropriate share of any royalties or other money received from those rights; or
- (b) Grant to the inventor the right to deal with the commercial rights subject to such conditions as the Secretary of Defence may impose.

(2) Notwithstanding anything in subclause (1) of this regulation, an inventor shall be entitled to apply to the Minister for an *ex gratia* reward in respect of the use of his invention by the Crown.

29. Appeals—(1) An inventor may appeal to an Inventions Appeal Committee constituted under this regulation,—

- (a) In the case of an invention dealt with under paragraph (a) of subclause (1) of regulation 28 of these regulations, if the inventor considers that the share of royalties or commercial proceeds offered to him by the Secretary of Defence is inadequate, or if no such share is offered to him:
- (b) In the case of an invention dealt with under paragraph (b) of subclause (1) of regulation 28 of these regulations, if the inventor considers that any share of royalties or commercial proceeds which he is called upon by the Secretary of Defence to pay is excessive:
- (c) In the case of a reward offered to him by the Minister under subclause (2) of regulation 28 of these regulations, if he considers that the reward is inadequate.

(2) Every Inventions Appeal Committee shall consist of a Magistrate and two assessors, of whom one shall be appointed by the Secretary of Defence and one by the inventor.

(3) Any inventor wishing to appeal under subclause (1) of this regulation shall give written notice of appeal to the Secretary of Defence, specifying the name of the person whom he appoints to act as assessor on his behalf at the hearing of his appeal. The assessor shall give his written assent to act.

(4) Within 21 days after receipt of the notice of appeal, the Secretary of Defence shall inform the inventor of the names of the Magistrate before whom the appeal will be heard and the assessor appointed by the Secretary of Defence, and shall at the same time forward to the Magistrate a copy of the decision appealed against and of the notice of appeal, together with a notice of the appointment of an assessor by the Secretary of Defence.

(5) The Inventions Appeal Committee shall hear and determine the appeal at such convenient time and place as the Magistrate shall decide. The date shall not be more than 42 days after the receipt by the Secretary of Defence of the notice of appeal.

(6) The Magistrate shall cause at least 5 days' notice of the time and place of the hearing to be given to each assessor, the Secretary of Defence, and the inventor.

(7) At the hearing of the appeal the inventor may himself appear or may be represented by some other person on his behalf. The Secretary of Defence may be represented by any person appointed by him.

(8) The Magistrate may from time to time adjourn the hearing or consideration or determination of the appeal as he thinks fit.

(9) If the inventor or his representative fails to appear at the hearing, the appeal may be determined in his absence on such evidence as is available. If he appears, the evidence shall be taken in his presence or in the presence of his representative or both.

(10) The Inventions Appeal Committee shall not be bound to follow any formal procedure, but shall comply with the rules of natural justice. It may, in its discretion, receive such evidence as it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter, which in the opinion of the Committee may assist it to deal with the matter before it, whether or not the same would be legally admissible in a Court of law.

(11) The determination in respect of the appeal shall be made in writing by the Magistrate and at least one of the assessors, together with their reasons for the determination, and shall be signed by them. A copy shall be forwarded by the Magistrate to the inventor and to the Secretary of Defence, and the Secretary of Defence shall forthwith give effect to the determination.

(12) If for any reason the Magistrate named in accordance with subclause (4) of this regulation is unable to perform his functions under this regulation, any other Magistrate may perform those functions in his place.

(13) If for any reason the Magistrate so named is not present at the time and place fixed for the hearing of the appeal, and no other Magistrate is available, the assessors may from time to time adjourn the hearing of the appeal for such period, not exceeding 14 days, as they think fit.

(14) If for any reason any assessor is unable to be present at the time and place fixed for the hearing of the appeal, the Secretary of Defence or the inventor, as the case may be, shall make a fresh appointment of an assessor, and shall forthwith give written notice of such appointment to the Magistrate and to the other party. The Magistrate may adjourn the hearing of the appeal for such period, not exceeding 14 days, as he thinks fit.

(15) Any notice to be given or document to be served under this regulation may be given or served personally, or by registered letter addressed to the person to whom the notice is to be given, or the document is to be served, at his last known place of residence or business. In the latter case, it shall be deemed to be given or served at the time when it would be delivered in the ordinary course of post.

(16) Subject to the other provisions of this regulation, the Inventions Appeal Committee shall determine its own procedure.

PART IV

Security of Defence Areas

30. Warning notices—The officer in charge of every defence area shall cause notices in the form or to the effect prescribed in the Third Schedule to these regulations to be erected at the entrances to and the limits of—

(a) The defence area; and

(b) Every restricted place within the defence area—

for the purpose of giving reasonable notice to the public of the existence of such area and places, and of the requirements of this Part of these regulations in respect of such area and places.

31. General powers of officer in charge—The officer in charge of a defence area may—

(a) For the purpose of maintaining the security of the area—

(i) Prohibit or restrict the entry of all or any persons, vehicles, ships, boats, and aircraft to the area, and the movements and activities of all or any persons, vehicles, ships, boats, and aircraft within the area:

(ii) Direct any person or persons within the area to leave the area or any part of it, either immediately or within such time as the officer in charge may specify:

(iii) Direct any person owning or in possession or control of or driving a vehicle, ship, boat, or aircraft within the area or any part of it to remove it from the area or from that part, either immediately or within such time as the officer in charge may specify:

- (b) Authorise any serviceman in writing for the purposes of all or any of the provisions of this Part of these regulations.

32. Powers of search—(1) The officer in charge of a defence area or any authorised serviceman may detain and search any person who is in, or is entering or leaving, or is about to enter or leave the area, both as to—

(a) His person; and

(b) Any vehicle, ship, boat, aircraft, receptacle, parcel, or chattel of any description in his possession or control.

(2) Before exercising any power of detention or search under subclause (1) of this regulation, a serviceman shall, if requested to do so by the person to be detained or searched, show his written authorisation to that person.

(3) No person shall be searched as to the person by or in the presence of a person of the opposite sex.

(4) If any person without lawful excuse refuses to be detained, or refuses to permit or submit to, or resists, any search under subclause (1) of this regulation, any authorised serviceman may use such force as may be reasonably necessary against that person to effect such detention or search.

33. Persons in defence area to supply names and addresses—Every person in a defence area, on being required to do so by the officer in charge, or by any authorised serviceman, or by any constable, shall supply to that officer, serviceman, or constable his true name and residential address, and an explanation of his presence in the area.

34. Removal of persons—If any person without lawful excuse refuses or fails to comply with any direction given to him under regulation 31 of these regulations to leave a defence area or any part of a defence area, any authorised serviceman may remove that person from the area or from that part of the area, and may use such force as may be reasonably necessary against that person to effect such removal.

35. Apprehension and detention of persons committing offences—(1) This regulation applies to any person who is found committing or is suspected on reasonable grounds of having committed an offence against the law of the country in which a defence area is situated (whether New Zealand or elsewhere) while he is in, or is entering or leaving, or is attempting to enter or leave the area.

(2) The officer in charge of the defence area or any authorised serviceman may, subject to and for the purposes of subclause (3) of this regulation, apprehend and detain any person to whom this regulation applies, if that person is in, or is entering or leaving, or is about to enter or leave the area, and may use such force as may be reasonably necessary against that person to effect such apprehension and detention.

(3) Every officer or serviceman who detains a person under subclause (2) of this regulation shall as soon as possible thereafter deliver that person to a member of the police of the civil power of the country in which the defence area is situated, for the purpose of the arrest of that person pursuant to the powers of that member.

36. Constables may exercise powers—Any power that may be exercised in a defence area by an authorised serviceman under this Part of these regulations may, at the request of the officer in charge of the area, be exercised by a constable.

37. Restricted places—(1) The officer in charge of a defence area may at any time declare the area or any part of it to be a restricted place.

(2) The officer in charge shall cause the restricted place to be clearly delineated or otherwise defined. The requirements of this subclause are in addition to the requirements of regulation 30 of these regulations.

(3) No person shall enter or remain in a restricted place except with the permission of the officer in charge of the defence area in which it is situated and in accordance with such conditions, if any, as he may impose in giving his permission.

38. Offences in respect of defence areas—(1) Every person commits an offence against this Part of these regulations who, without lawful excuse,—

- (a) Enters or remains in a defence area or in any part of a defence area in contravention of a prohibition or restriction imposed under regulation 31 of these regulations by the officer in charge of the area; or
- (b) Contravenes or fails to comply with any direction given to him under regulation 31 of these regulations by the officer in charge of a defence area; or
- (c) Refuses to permit or submit to, or resists, any detention or search that he is required to undergo under regulation 32 of these regulations; or
- (d) Contravenes regulation 33, or subclause (3) of regulation 37, of these regulations; or
- (e) Wilfully obstructs any officer in charge of a defence area, serviceman, or constable, in the exercise of his powers under this Part of these regulations.

(2) Every person commits an offence against this Part of these regulations who, without the permission of the officer in charge of a defence area or of an authorised serviceman,—

- (a) Injures, weakens, breaks down, or destroys any building, erection, post, fence, gate, telephone line, electric power line, or other structure, or any earthworks, road, drain, tree, or vegetation, in or on the defence area; or
- (b) Defaces, obliterates, removes, or destroys any printed or written notice, direction, or regulation posted, attached, or affixed to or upon any building, erection, post, fence, gate, or other structure, or to or upon any other public property, in or on the defence area; or

- (c) Defaces, attaches or affixes anything to or upon any building, erection, post, fence, gate, or other structure, or to or upon any other public property, in or on the defence area.

39. Penalties—Every person who commits an offence against this Part of these regulations is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$200, or to both.

40. Application of Part IV to other countries—Nothing in this Part of these regulations shall be deemed to authorise the doing of any act in a defence area situated in a country other than New Zealand if the doing of that act would be contrary to the law of that country.

PART V

Miscellaneous Provisions

41. Consequential amendments—(1) Regulation 68 of the Army Regulations 1951* (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting from subsection (b) the expression “30c”, and substituting the expression “\$1.00”.

(2) Regulation 15 of the Royal New Zealand Air Force Regulations 1968† (as amended by the said section 7 (1)) is hereby further amended by omitting from paragraph (b) of subclause (3) the expression “30c”, and substituting the expression “\$1.00”.

42. Revocations—The regulations specified in the Fourth Schedule to these regulations are hereby revoked.

*S.R. 1951/272
†S.R. 1968/233

SCHEDULES

FIRST SCHEDULE

Reg. 19

INDENTURE OF APPRENTICESHIP

THIS INDENTURE made in pursuance of the Defence Act 1971 this day of 19, between [*Apprentice*] (hereinafter called “the apprentice”) of the first part; [*Appointed officer*], who with his successors in office is hereinafter included in the expression “the master”, of the second part; [and (*Parent, Guardian, Magistrate, or 2 Justices of the Peace*), of the third part;]* WITNESSES that, in consideration of the covenants hereinafter mentioned on the part of the apprentice to be observed and performed, he the master hereby covenants, promises, and agrees with and to the apprentice [and the party of the third part]* to accept the apprentice as his apprentice during the term of [*Specify term of apprenticeship*] years in the following manner:

*Delete where inapplicable.

FIRST SCHEDULE—*continued*

1. The master will, according to the best of his power, skill, and knowledge, and so long as the apprentice well behaves himself and performs the covenants on his part contained in this indenture, teach the apprentice in the trade of [*Specify trade*], and all and everything relating to it according to the best of the power, skill, and knowledge under the master's command.

2. The master will so long as the apprentice performs and observes the covenants on his part contained in this indenture cause to be paid to the apprentice during the period of his apprenticeship in the [*Specify Service concerned*], on the usual pay days from time to time fixed by the Secretary of Defence, pay at the rates determined by the Secretary of Defence.

3. The apprentice for his part [and the party of the third part for himself and his executors and administrators do and each of them]† does hereby promise and agree with and to the master that the apprentice, from the date of this indenture during the period of the apprenticeship, will faithfully perform his duties as an apprentice, and diligently attend to the said trade, and at all times keep the secrets of the Crown and the Government of New Zealand, and obey the lawful commands of the master and every officer or non-commissioned officer acting under the master's direction; and will not absent himself from the service of the Crown without leave, and will not do or knowingly suffer any damage to be done to any goods, money, or other things that shall be delivered or put into his custody or care or under his control, but will in all things conduct himself in a proper manner, and will at all times obey and conform to the Defence Act 1971 and all or any regulations that are for the time being in force thereunder.

4. IT IS HEREBY AGREED AND DECLARED by the apprentice [and by the party of the third part]* that the apprentice, while he is in the [*Specify Service concerned*], is subject to military law and the obligations created by that law and that he is liable to be punished for any offence committed under that law notwithstanding anything contained in this indenture.

In witness whereof the said parties have hereunto set their hands the day and year above written.

A.B., Apprentice.

C.D., Appointed officer, as master.

E.F., [Parent, Guardian, Magistrate, or 2 Justices of the Peace].

*Delete where inapplicable.

†Delete if there is no third party or the third party is not parent or guardian.

 SECOND SCHEDULE

Reg. 26

AGREEMENT WITH RESPECT TO INVENTION

Address:.....

I (WE) HAVE applied (am (are) about to apply) to the Patent Office for a patent for [*Describe nature of invention*].

Date:.....

SECOND SCHEDULE—*continued*

I (we) will act in accordance with the Defence Regulations 1972 and Defence Council Orders and as directed by the Defence Council and agree to be bound by the following conditions:

- (a) I (we) have not left a complete specification with the application nor will I (we) subsequently leave a complete specification or take any further steps in the matter after applying for provisional protection without the direction or permission of the Defence Council.
- (b) I (we) will supply to my (our) commanding officer 2 copies of the provisional specification as soon as the application has been filed at the Patent Office, and any further information and particulars regarding my (our) invention as may be required by the Defence Council.
- (c) I (we) will, if so ordered, assign to the Crown, or to such Department or person on behalf of the Crown as the Minister of Defence may direct, the benefit of the invention and of any patent that may be granted, or will enter into such agreement for its use by the Government of any part of the British Commonwealth of Nations, and their contractors and other persons authorised by them, as may be directed by the Defence Council.
- (d) I (we) will not assign or deal with the invention or patent, or grant any licences or rights for the use thereof, to anyone except with the previous authority of the Defence Council or the Secretary of Defence, as the case may be, or under the terms of any agreement with the Minister of Defence.
- (e) I (we) agree that the terms of payment (if any) for any assignment of the invention or patent directed by the Defence Council or for its use in Her Majesty's service, will, subject to regulation 29 of the said regulations, be decided by the Secretary of Defence and that regard will be paid to any facilities in originating, working out, and perfecting the invention which I (we) may have enjoyed by reason of my (our) official position(s), and to all other factors that may be relevant.
- (f) I (we) will not apply for a patent in any other country than New Zealand without the authority of the Defence Council.
- (g) I (we) will if so required by the Secretary of Defence do all acts necessary for obtaining a patent in New Zealand or in any other specified country at the expense of the Crown and under such conditions as may be prescribed by the Secretary of Defence.

Inventor's Signature:.....

Rank:.....

Certificate to be signed by commanding officer

I certify that to the best of my belief the applicant is the true originator of the invention referred to. I have furnished the applicant with a copy of this agreement.

Signature:.....

Rank:.....

Date:.....

THIRD SCHEDULE

Reg. 30

NOTICES TO BE ERECTED IN DEFENCE AREAS AND RESTRICTED PLACES

DEFENCE AREA

NO ADMISSION EXCEPT ON BUSINESS

Any person proceeding beyond this notice or remaining in this defence area is subject to restrictions imposed under Part IV of the Defence Regulations 1972 and may, at the discretion of the (*Specify the designation of the officer in charge of the area*) or of any authorised serviceman be detained and searched both as to his person, and as to any vehicle, ship, boat, aircraft, receptacle, parcel, or chattel in his possession or control.

By order of

Minister of Defence.

RESTRICTED PLACE

NO ADMISSION EXCEPT BY AUTHORITY

It is an offence punishable by imprisonment for a term not exceeding 3 months and a fine not exceeding \$200 to proceed beyond this notice without the permission of (*Specify the designation of the officer in charge of the defence area*).

By order of

Minister of Defence.

FOURTH SCHEDULE

Reg. 42

REGULATIONS REVOKED

Regulations	Statutory Regulations Serial Number
The Army Regulations 1951, except regulations 1, 61, 62, 63, 64, 65, 66 (a) and (c), 67 (1) (a) and (c), 68, 69, 70, and 71	1951/272
The Navy Regulations 1958, except regulations 1, 2, 5, 6, 7, 11, 12, 16, 17, and 18, and the First Schedule	1958/3
The Navy Regulations 1958, Amendment No. 1: Regulations 3 and 4	1959/40
The Navy Regulations 1958, Amendment No. 3: Regulation 2	1963/117
The Air Force Areas Security Regulations 1967	1967/224
The Navy Regulations 1958, Amendment No. 4: Regulation 2	1967/275
The Royal New Zealand Air Force Regulations 1968, except regulations 1, 2, 12, 13, 14 (a) and (c), 15 (1) (a) and (c), (3), and (4), 16, 17, 18, 19, and 20	1968/233

P. J. BROOKS,
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, which apply to all of the Armed Forces, replace the Army Regulations 1951, the Navy Regulations 1958, and the Royal New Zealand Air Force Regulations 1968, except in relation to matters of discipline.

The new regulations also supersede the Air Force Areas Security Regulations 1967 and make common provision for the security of defence areas for all of the Services.

Part I of the regulations relates to preliminary matters.

Part II deals with terms and conditions of service.

Part III controls the patenting and disposal of inventions by servicemen.

Part IV provides for the security of defence areas.

Part V contains miscellaneous provisions.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 June 1972.

These regulations are administered in the Ministry of Defence.