



## THE DEFENCE REGULATIONS 1972, AMENDMENT NO. 3

---

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 sections 47 (b) and 88 of 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.

---

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Defence Regulations 1972, Amendment No. 3, and shall be read together with and deemed part of the Defence Regulations 1972\* (hereinafter referred to as the principal regulations).

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

**2. Interpretation**—Regulation 2 of the principal regulations is hereby amended by omitting from the definition of the term “basic pay” the words “and badge pay”.

**3. Withholding of pay, etc., of servicemen absent without leave or in desertion**—The principal regulations are hereby amended by inserting, after regulation 11, the following regulation:

“11A. (1) Where any serviceman is absent from duty without leave, or in desertion, all pay to which that serviceman would otherwise be entitled in respect of any period during which the absence or desertion continues shall be withheld from him.

\*S.R. 1972/117

Amendment No. 1: S.R. 1977/77

Amendment No. 2: S.R. 1978/315

“(2) All pay withheld under subclause (1) of this regulation shall be credited to the serviceman as soon as practicable after his return to duty, except where—

“(a) He is to be charged with an offence against the Armed Forces Discipline Act 1971 in respect of his absence from duty without leave or his desertion; or

“(b) He signs a written confession under section 110 of that Act that he has been guilty of desertion; or

“(c) He has been declared by a court of inquiry under section 201 of that Act to be an absentee, and, in accordance with subsection (3) of that section, the record of that declaration has acquired the legal effect of a conviction by court-martial for desertion before his return to duty.”

**4. Stoppages of pay in respect of loss or damage**—(1) Regulation 12 (4) of the principal regulations is hereby amended by omitting the words “\$1.00 per day in basic pay”, and substituting the words “20 percent of his basic pay per day”.

(2) Regulation 12 of the principal regulations is hereby further amended by adding the following subclause:

“(6) No stoppage shall be ordered under this regulation unless the serviceman concerned has been—

“(a) Notified of the proposal to order the stoppage and of the reasons for it; and

“(b) Given an opportunity to make representations to the Chief of Staff concerned as to why such a stoppage should not be ordered or as to the amount of the stoppage.”

**5. Insurance indemnities in respect of flying accidents**—Regulation 20 of the principal regulations is hereby revoked.

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 Defence Act 1971, and amend the Defence Regulations 1972.

*Regulation 1* relates to the Title and commencement.

*Regulation 2* is consequential upon the abolition of badge pay.

*Regulation 3* directs the withholding of the pay and allowances of any serviceman who is absent from duty without leave, or in desertion.

*Regulation 4* amends regulation 12 (4) of the principal regulations relating to stoppages of pay in respect of loss or damage. That provision requires that the serviceman must be left, after any such stoppage, with at least \$1 per day in basic pay. The amendment raises this minimum to 20 percent of his basic pay per day. It also requires the serviceman concerned to be given an opportunity to make representations on the matter before such a stoppage is made.

*Regulation 5* revokes regulation 20 of the principal regulations relating to insurance cover for servicemen travelling by air. In future, the matter is to be dealt with administratively.

---

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.