



THE DEFENCE REGULATIONS 1972, AMENDMENT NO. 4

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of May 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 47 (a), 81, 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. 4, 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 14th day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “superior authority”, and substituting the following definition:

“‘Superior authority’ has the same meaning as the term “superior commander” has in subsection (1) of section 2 of the Armed Forces Discipline Act 1971.”

*S.R. 1972/117

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

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

Amendment No. 3: S.R. 1983/238

3. Grants on death of regular servicemen—Regulation 4 of the principal regulations (as substituted by regulation 2 of the Defence Regulations 1972, Amendment No. 2) is hereby amended by revoking subclause (4), and substituting the following subclause:

“(4) Where a regular serviceman dies during service, the Secretary of Defence may also authorise a grant to the widow or widower of the serviceman or, if there is no widow or widower, to any dependent child or children of the serviceman, not exceeding the serviceman’s gross pay during any long service leave for which the serviceman has qualified, being leave that the serviceman has not taken and has not forfeited.”

4. Persons to supply names and addresses—The principal regulations are hereby amended by revoking regulation 33, and substituting the following regulation:

“33. Every person in a defence area, or who is entering or leaving, or about to enter or leave a defence area, on being required to do so by the officer in charge, or by any authorised person, or by any constable, shall supply to that officer, person, or constable, his true name and residential address and an explanation of his presence or intended presence in the area.”

5. Apprehension and detention of persons committing offences—Regulation 35 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(3) Subject to subclause (4) of this regulation every officer or authorised person who detains a person under subclause (2) of this regulation (not being a person subject to the Armed Forces Discipline Act 1971) 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.

“(4) Every officer or authorised person who detains a member of an allied force under subclause (2) of this regulation shall as soon as possible thereafter deliver that person to the officer commanding that force, or any member thereof acting under his authority, for the purpose of the arrest of that person pursuant to the powers of that officer or member.”

6. Third Schedule—The Third Schedule to the principal regulations is hereby amended by omitting the word “serviceman”, and substituting the word “person”.

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 of the regulations.

Regulation 2 brings the definition of the term “superior authority” into line with the Armed Forces Discipline Act 1971.

Regulation 3 amends regulation 4 (4) of the principal regulations, which empowers the Secretary of Defence to make a payment in lieu of long service leave due to a serviceman at the date of his death. At present, such a grant may be paid to the widow. Under the amendment, it may be paid to a widow or widower or, if there is no widow or widower, to any dependent child or children of the deceased.

Regulation 4 amends regulation 33 of the principal regulations, which empowers the officer in charge of a defence area or any authorised person to require any person found in the area to give his true name and residential address, and an explanation of his presence in the area. The amendment extends this to persons who are entering or leaving, or about to enter or leave, the area.

Regulation 5 revokes subclause (3) of regulation 35 of the principal regulations, and substitutes 2 new subclauses. The present subclause provides that where a person is apprehended in or about a defence area for the commission of an offence against the law of the country (including New Zealand) in which the area is situated, the person is to be handed over to the civil police. The new subclause (3) excludes persons who are subject to the Armed Forces Discipline Act 1971 (who will be dealt with under that Act), and subclause (4) provides that if the person is a member of an allied force he will be handed over to the appropriate military authority.

Regulation 6 is of a consequential nature only.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 May 1985.

These regulations are administered in the Ministry of Defence.