

1958/3



THE NAVY REGULATIONS 1958

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 15th day of January 1958

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Navy Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

Title, Commencement, and Arrangement

1. (1) These regulations may be cited as the Navy Regulations 1958.
 - (2) These regulations shall come into force on the date of the commencement of the Navy Act 1954.
 - (3) These regulations are arranged as follows:
 - Part I—Preliminary. (Regulations 1 to 3.)
 - Part II—Navy Instructions. (Regulation 4.)
 - Part III—Discipline. (Regulations 5 to 7.)
 - Part IV—Discharge of Officers for Unsuitability. (Regulations 8 to 10.)
 - Part V—Medical and Dental Procedures. (Regulation 11.)
 - Part VI—Financial Provisions. (Regulations 12 to 27.)
 - Part VII—Salvage and Ships' Agents. (Regulation 28.)
 - Part VIII—Patents and Inventions. (Regulations 29 to 36.)
 - Part IX—Security of Naval Defence Installations. (Regulation 37.)
 - Part X—Revocations and Savings. (Regulation 38.)
- Schedules.

Interpretation

2. In these regulations and in Navy Instructions issued pursuant thereto, unless the context otherwise requires,—

“Compulsory naval reservist” means a person liable for whole time or part time training under the Military Training Act 1949, whether undergoing compulsory or voluntary training:

“Navy Act” means the Navy Act 1954:

Expressions defined in the Navy Act or the Queen’s Regulations and Admiralty Instructions have the meanings so defined.

Application of Regulations

3. Except where these regulations otherwise provide or the context otherwise requires, these regulations shall apply to all officers and ratings of the New Zealand Naval Forces, and to other persons as prescribed.

PART II—NAVY INSTRUCTIONS

4. The Naval Board may, in addition to any specific powers in that behalf contained in the Navy Act, from time to time issue Navy Instructions, not inconsistent with that Act or the Public Revenues Act 1953, relating to the organisation, control, and administration of the Naval Forces and in particular to—

- (a) The entry, appointment, enlistment, promotion, advancement, transfer, secondment, attachment, drafting, training, reduction or reversion in rank or rating, retirement, resignation, or discharge of officers and ratings; or the cancellation or variation of the commissions, or annulment or variation of the appointments of officers:
- (b) The levying of charges in accordance with the Public Revenues Act 1953 in respect of incurring improper expenditure of public money or stores and of deficiencies in and losses of or damage to public property:
- (c) The fees and charges, as approved by the Minister of Finance, payable to civilians acting in a professional capacity in any of the Naval Forces:
- (d) The discipline, leave, and leave without pay of officers and ratings:
- (e) The award, forfeiture, and restoration of medals and decorations:
- (f) The administration and control of Government grants and of non-public funds:
- (g) The conduct and control of naval messes:
- (h) The prohibition or restriction of access to any area of land or water or any place so far as may be deemed necessary for the purposes of the Naval Forces:
- (i) The conditions under which civilian organisations may operate in naval establishments:
- (j) The design and use of ships’ and boats’ badges:
- (k) The purchase, use, disposal of, and accounting for stores:
- (l) The receipt and expenditure of and accounting for public money.

PART III—DISCIPLINE

Modification of Naval Discipline Act and Queen's Regulations in Application to the Naval Forces

5. (1) In their application to the New Zealand Naval Forces, unless the context otherwise requires, the Naval Discipline Act and the regulations made thereunder, and the Queen's Regulations and Admiralty Instructions for the time being in force in relation to the Royal Navy, shall be deemed to be modified in the manner specified in Part I of the First Schedule hereto, and shall be deemed to be subject to the provisions of these regulations and of any Navy Instructions issued by the Naval Board.

(2) In its application to the New Zealand Naval Forces, unless the context otherwise requires, the Naval Discipline Act 1866 shall be deemed to be modified in the manner specified in Part II of the First Schedule hereto, and shall be deemed to be subject to the provisions of these regulations and of any Navy Instructions issued by the Naval Board.

Deserters and Absentees

6. (1) In addition to the punishments otherwise prescribed, boys when undergoing Part I training, and junior ratings when rated as such and undergoing Part I training, and artificer apprentices may be mulcted one day's pay for each twenty-four hours or part thereof of improper absence in excess of the first twenty-four hours.

(2) A deserter or absentee from one of Her Majesty's New Zealand ships who surrenders or is apprehended at any place outside New Zealand (other than Australia), shall, until further orders, serve in a ship or establishment of the Royal Navy, if so directed by an order given by the Naval Board or by the senior New Zealand Naval Officer present, specifically naming him and the appropriate base ship of the Royal Navy in which he is to serve. A warrant under section 50 of the Naval Discipline Act shall be issued by one of the persons specified in that section before the issue of the order directing a deserter or absentee to serve in the appropriate base ship of the Royal Navy and shall be handed to the Royal Naval authorities together with extracts from the ship's books, certified in accordance with Queen's Regulations and Admiralty Instructions, Article 2240, recording that the offender had been serving in the ship at the material date, his absence, and his discharge.

(3) On apprehension or surrender at any place outside New Zealand, a deserter or absentee from one of Her Majesty's New Zealand ships who has been directed to serve in an appropriate base ship of the Royal Navy shall serve in that ship, or any other ship of the Royal Navy to which the Royal Naval authorities may appoint him, and shall continue to do so until discharged therefrom by those authorities.

Ratings of the Reserve Forces

7. (1) Every rating belonging to any of the Reserve Forces who commits any offence cognisable under the Naval Discipline Act when he is borne on the books of any of Her Majesty's commissioned ships shall be liable to summary punishment in the same manner and to the same

extent as ratings of the Royal New Zealand Navy, and in addition may be punished by deprivation of the R.N.Z.N.V.R. Long Service or Good Conduct Medal, or Good Service Badges:

Provided that, if any offence is committed so shortly before the rating ceases to be so borne that it cannot be dealt with adequately in that manner, the Captain may inflict a fine not exceeding £5, and, if any such fine is not paid (whether by stoppage of pay or otherwise), the Captain shall forward a report to the Naval Board with a view to recovery.

(2) Every rating belonging to any of the Reserve Forces, who, while not borne on the books of any of Her Majesty's New Zealand ships, commits any offence under the Naval Discipline Act which may be dealt with pursuant to section 31 of the Navy Act may be awarded summarily one or more of the following punishments:

- (a) Disrating;
- (b) Deprivation of the R.N.Z.N.V.R. Long Service and Good Conduct Medal;
- (c) Deprivation of Good Service Badge or Badges;
- (d) A fine not exceeding £5:

Provided that any offence which is too serious for summary treatment under this subclause shall be reported without delay to the Naval Board, with a view to the offender being brought before a Court of summary jurisdiction, when he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £20 or, in the case of a compulsory naval reservist, not exceeding £50.

(3) Where a fine has been awarded summarily under subclause (1) or subclause (2) of this regulation, a certificate purporting to be signed by the officer awarding it, setting forth the particulars of the award, may be filed in a Magistrate's Court, and thereupon all proceedings may be taken and enforced in and by that Court for the amount of the fine and any fees and costs paid or allowed in connection with the filing of the certificate, as fully and effectually as if the fine had been adjudged to be paid by a conviction entered in that Court at the time of the filing of the certificate.

PART IV—DISCHARGE OF OFFICERS FOR UNSUITABILITY

Officers Unworthy of Further Employment on Account of Misconduct

8. (1) An officer who, in the opinion of the Naval Board, by reason of an act or acts of misconduct, or through intemperance or irregular habits of life, or for any other reason, has become unfit for, or is unworthy of, further employment, may at the discretion of the Naval Board, and irrespective of age or service, have his appointment in the Naval Forces terminated and his commission cancelled, or be placed on the Retired List, or in the case of an officer on short service commission be placed on the Emergency List, whether he has been tried by Court Martial or not.

(2) Where it has been recommended under the provisions of subclause (1) of this regulation that the commission of an officer be cancelled the officer shall be notified in writing of the cause and shall be called upon to answer in his defence. In the event of the answer being unsatisfactory, or an answer not being received within a reasonable time, the officer's commission may be cancelled.

Officers Unfitted for Further Employment on Account of Unsuitability Held to be Due to Causes Within Their Own Control

9. An officer who, in the opinion of the Naval Board, is unsuitable for further service by reason of incapacity, inefficiency, unsatisfactory performance of duties, or other defect, that unsuitability being held by the Naval Board to be due to causes within his own control, but not to be of such a nature as to justify his discharge under regulation 8 hereof, may, irrespective of age or service, have his appointment in the Naval Forces terminated and be placed on the Retired List, or, in the case of an officer on short service commission, be placed on the Emergency List, or, in the case of an officer of the Reserve Forces, have his commission cancelled or be discharged from his ship.

Officers Unfitted for Further Employment on Account of Incapacity Not Due to Causes Within Their Own Control

10. An officer who, in the opinion of the Naval Board, is unfit for further employment by reason of incapacity, or peculiarity of temper, or other defect not amounting to misconduct, and not caused by intemperate or irregular habits of life, may, irrespective of age or service, have his appointment in the Naval Forces terminated and be placed on the Retired List, or, in the case of an officer on short service commission, be placed on the Emergency List.

PART V—MEDICAL AND DENTAL PROCEDURES

11. All members of the Naval Forces shall submit themselves to vaccination, inoculation, or any proper medical, surgical, or dental treatment deemed by competent naval authority to be necessary to safeguard the health of other naval personnel, or the operational efficiency of the Naval Forces, and, notwithstanding the provisions of Queen's Regulations and Admiralty Instructions, any person who fails or refuses so to submit himself shall be guilty of an offence under section 17 or section 43 of the Naval Discipline Act, as the case may be.

PART VI—FINANCIAL PROVISIONS

Applicability of Queen's Regulations and Admiralty Instructions, Admiralty Fleet Orders, Etc.

12. Queen's Regulations and Admiralty Instructions, Admiralty Fleet Orders, and other Orders issued by or on behalf of the Admiralty shall not constitute any authority for expenditure in the Royal New Zealand Navy, unless otherwise prescribed.

Pay and Allowances

13. (1) Subject to these regulations, the pay and allowances of officers and ratings of the Royal New Zealand Navy, officers and ratings of the Reserve Forces, officers of the Sea Cadet Corps, and compulsory naval reservists shall be payable at such rates and subject to such conditions as may from time to time be prescribed by the Minister with the concurrence of the Minister of Finance.

(2) Any such rates may relate to a period commencing on or before or after the date on which they are prescribed.

(3) All rates of pay and allowances prescribed under this regulation shall be published in the *Gazette*.

Allowances and Grants Not Directly Connected With Pay

14. (1) Such allowances and expenses and grants not deemed to be directly connected with pay shall be payable at such rates and subject to such conditions as may from time to time be approved by the Minister with the concurrence of the Minister of Finance.

(2) Any such rates may relate to a period commencing on or before or after the date on which they are approved.

(3) All rates of allowances and expenses and grants approved under this regulation shall be published in the *Gazette*.

Relative Ranks of Chaplains of the Royal New Zealand Navy and Royal New Zealand Naval Volunteer Reserve and Officers of the Women's Royal New Zealand Naval Service

15. (1) For the purpose of allowances, Chaplains of the Royal New Zealand Navy and Royal New Zealand Naval Volunteer Reserve shall rank with officers of the Royal New Zealand Navy as follows:

Chaplains	Relative Rank	
Under 8 years' seniority	Lieutenant	
Of and over 8 years' seniority	Lieutenant Commander	
Of and over 14 years' seniority	Commander	}
Of and over 22 years' seniority—		
(a) If they have not attained the age of 50 years	Commander	
(b) If they have attained the age of 50 years and have been specially selected for retention on the Active Service List	Captain	
		Subject to the approval of the Naval Board in respect of each individual officer

(2) For the purpose of allowances, officers of the Women's Royal New Zealand Naval Service shall rank with officers of the Royal New Zealand Navy as follows:

W.R.N.Z.S.	Relative Rank
Acting Third Officer	Acting Sub-Lieutenant
Third Officer	Sub-Lieutenant
Second Officer	Lieutenant
First Officer	Lieutenant Commander
Chief Officer	Commander
Superintendent	Captain

Forfeiture and Stoppage of Pay

16. (1) Officers who from any cause are absent from duty without leave shall be liable to forfeiture of pay and allowances at the discretion of the Naval Board for the whole or any part of the period of absence.

(2) Persons sentenced to imprisonment, detention, or cells shall forfeit pay and allowances during the period of confinement, except that kit upkeep allowance shall be payable when uniform is worn and payment of location allowances in respect of wives and children may be continued at the discretion of the Naval Board.

(3) Conduct deductions and mulcts of pay where ordered shall be made in accordance with the Queen's Regulations and Admiralty Instructions, as extended by subclause (1) of regulation 6 hereof, except that the amount of each mulct or conduct deduction shall be on the basis of the total daily pay in issue, excluding marriage, separation, or other compensatory allowances, but including difference of pay for performing the duty of a higher rating, certificate allowance payable to an engine room artificer or mechanic, and Good Conduct Badge Pay.

(4) Subject to such conditions as may be prescribed an officer or rating absent from duty in hospital or on sick leave through illness or disability caused by his own misconduct or neglect shall be liable for stoppage of pay amounting to two-sevenths of his total daily pay in issue (as defined in subclause (3) of this regulation) during that period.

Half Pay for Officers

17. (1) An officer dismissed his ship by sentence of Court Martial shall be placed on half pay as prescribed.

(2) An officer relieved by order of the Naval Board on account of misconduct other than as a result of sentence by Court Martial may, at the discretion of the Naval Board, be placed on half pay as prescribed.

(3) An officer placed on half pay in accordance with this regulation shall receive half the rates of full pay, flying pay, surveying pay, professional allowance, and marriage allowance to which he was entitled at the time of commencement of half pay, except that where an officer is holding acting or temporary higher rank the half pay rate will be based on the rates appropriate to his substantive rank.

Costs of Transportation of Absentees, Deserters, and Personnel who Fail to Join Their Ship or Place of Duty

18. (1) In addition to the charges, penalties, and forfeitures authorised by the Queen's Regulations and Admiralty Instructions, the cost of his or her own transportation from the place of apprehension to his or her ship or establishment may be charged against the pay of a deserter or absentee.

(2) Where an absentee or deserter is apprehended outside New Zealand, further charges may be made against his or her pay not exceeding the cost of his or her return to New Zealand, or to one of Her Majesty's New Zealand ships.

(3) An officer or rating who is left behind by his or her ship, or who fails to comply with travelling instructions issued to him or her, whether in New Zealand waters or overseas, by reason of civil or naval proceedings against him or her, whether he or she is subsequently convicted or acquitted, may in the absence of early Service transport facilities granted at no cost to the New Zealand Government, have the whole or part of the cost of rejoining his or her ship or of being returned to New Zealand charged against his or her pay.

Personnel on Loan to the New Zealand Naval Forces

19. Officers or ratings serving in the Naval Forces who are lent from the United Kingdom or other Commonwealth forces shall serve at such rates of pay and allowances, and under such conditions, as may from time to time be agreed on between the New Zealand Government and the Government of the other part of the Commonwealth concerned.

Injuries Suffered in Authorised Sport or Recreation

20. Subject to such conditions as may be prescribed, an officer or rating shall be deemed to be on duty when participating in any sport or recreation duly authorised as a service sport or recreation by proper naval authority, and any injury suffered when so participating shall be deemed to be attributable to service.

Compensation for Loss of or Damage to Regulation Kit or Personal Effects

21. (1) Subject to the provisions of this regulation and to such conditions as may from time to time be prescribed by the Minister with the concurrence of the Minister of Finance, a member of the Naval Forces who suffers any loss of or damage to his uniform, regulation kit, equipment, or personal effects, shall be entitled to compensation therefor by way of cash payment or replacement in kind, but in no case shall the cash payment awarded for loss of or damage to personal effects exceed—

- (a) £20 for any one item:
- (b) £150 in the aggregate on any claim by an officer:
- (c) £100 in the aggregate on any claim by a rating or sea cadet.

(2) Compensation under this regulation shall not be awarded in respect of—

- (a) Loss of money:
- (b) Loss by theft, except where the articles stolen have been properly accepted for safe custody by proper authority:
- (c) Loss of or damage to articles transported for other than service reasons in any vehicle, ship, merchant vessel, or aircraft:
- (d) Loss of or damage to articles carried by an officer or rating or sea cadet while on leave unless special circumstances exist:
- (e) Loss or damage not attributable to the risks of the Service.

(3) For the purposes of this regulation the expression "risks of the Service" means risks arising solely out of and in the course of a serviceman's duties with the Naval Forces, but does not include risks arising out of situations common both to service and civilian conditions of life, unless in the particular circumstances of the case the Crown is liable.

High Civil Authorities Embarked

22. Subject to such conditions and at such rates as may from time to time be prescribed by the Minister with the concurrence of the Minister of Finance, payment may be made to the Commanding Officers of Her Majesty's New Zealand ships in respect of the messing expenses on board of the Governor-General and his suite, and also of officers administering the Government and other officials of any part of the Commonwealth.

Entertainment Allowance

23. Subject to such conditions and at such rates as may from time to time be prescribed by the Minister with the concurrence of the Minister of Finance, an allowance shall be paid to seagoing ships in commission for the entertainment of official guests.

Training Service Fund

24. Subject to such conditions as may be prescribed by the Minister with the concurrence of the Minister of Finance, a Training Service Fund may be established in any training establishment.

Educational and Hobbies Fund

25. Subject to such conditions and at such rates as may from time to time be prescribed by the Minister with the concurrence of the Minister of Finance, an annual grant may be made for the purpose of establishing educational and hobbies funds in Her Majesty's New Zealand ships and establishments.

Ships Improvement Fund

26. Subject to such conditions as may be prescribed by the Minister with the concurrence of the Minister of Finance, a fund known as the Ship's Improvement Fund may be established in Her Majesty's New Zealand ships and establishments, including divisions of the Royal New Zealand Naval Volunteer Reserve.

Funerals

27. Subject to such conditions as may be prescribed by the Minister with the concurrence of the Minister of Finance, a funeral at public expense may be provided for:

- (a) An officer or rating who dies while a member of the Royal New Zealand Navy;
- (b) A member of the Reserve Forces who dies while called up for continuous service, or while actually undergoing training;
- (c) A member of the Reserve Forces who dies as a result of disability arising out of and in the course of his or her service.

PART VII—SALVAGE AND SHIPS' AGENTS

28. (1) Her Majesty's New Zealand ships engaged in the salvage of private ships shall carry out the procedure laid down in Chapter 51 of the Queen's Regulations and Admiralty Instructions with the following modifications:

- (a) In the case of a ship operating under the orders of the New Zealand Naval Board the reports required by Queen's Regulations and Admiralty Instructions, Articles 5131 and 5144, shall be addressed to the Navy Secretary. In the case of a ship operating under any other Authority reports shall be rendered as directed in Queen's Regulations and Admiralty Instructions, Articles 5131 and 5144, and an additional copy shall be sent to the Navy Secretary.

- (b) When approval is given for officers and men to prefer claims for salvage such claims shall normally be conducted by one of the Crown Solicitors at Wellington or some other barrister or solicitor assigned by the Attorney-General to whom, when his name is communicated, the form of retainer referred to in clause 2 of Article 5145 shall be sent.

(2) In view of the provisions of this regulation and of Queen's Regulations and Admiralty Instructions, Article 5145, clause 2, there shall be no necessity for the Commanding Officers of Her Majesty's New Zealand ships to appoint Ships Agents under Article 5102.

(3) In the application to the New Zealand Naval Forces of Queen's Regulations and Admiralty Instructions, Article 5143, a reference to sections 367 and 368 of the Shipping and Seamen Act 1952 (N.Z.) shall be deemed to be inserted after the reference to the Crown Proceedings Act 1947 (U.K.).

PART VIII—PATENTS AND INVENTIONS

Restrictions on Application for a Patent

29. (1) An officer or rating of the Royal New Zealand Navy at any time, or an officer or rating of any other Commonwealth naval force while serving with the Royal New Zealand Navy, or an officer or rating of the Reserve Forces while liable for continuous service, whether in time of war or emergency or otherwise, shall not be permitted to apply for or obtain a patent for any discovery, invention, or improvement in any process, apparatus, or machinery (hereinafter referred to as an invention) except in manner laid down in these regulations and in Navy Instructions.

(2) Every invention made by any such officer or rating of the Royal New Zealand Navy or of the Reserve Forces shall be deemed to belong to and to be held in trust for the New Zealand Government until a decision respecting the invention has been given by the Naval Board; and pending that decision the inventor shall not on any account disclose to unauthorised persons the subject-matter of the invention or permit the patent specifications to be published.

(3) Every invention made by any such officer or rating of any other Commonwealth naval force shall be deemed to belong to and to be held in trust for Her Majesty's Government in the Commonwealth country concerned, and shall be dealt with in accordance with the regulations of that country.

Restriction on Trial of Any Invention

30. Every invention as aforesaid shall in the first instance be referred to the Naval Board or to such person as the Naval Board may direct, and in no case shall any person authorise the trial of any such invention without first obtaining the authority of the Naval Board.

Employment of Agents

31. 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:

Provided that he shall not, without prior written authority of the Naval Board, employ an agent or any other person in connection with the preparation of his specification and the filing of his application at the Patent Office. That authority shall not be withheld by the Naval Board if the title of the invention and the name of the proposed agent are disclosed, and the Board is satisfied that no disclosure of information which may be detrimental to the interests of the State would be involved by the employment of that agent or other person.

Non-application for Patents

32. An inventor who does not desire to take out a patent for an invention which he has made shall, if required by the Naval Board and at the expense of the Crown, do all necessary acts in order to obtain the grant of Letters Patent to secure protection of the invention for Government purposes; but in all other circumstances the expenses in connection with an application for and the grant of Letters Patent shall be borne by the inventor.

Agreement to be Entered Into

33. An inventor shall, as soon as he has filed his application in the Patent Office, send two copies of the provisional specification to his commanding officer, through the normal channels, together with three completed and signed copies of the prescribed Form of Agreement as set out in the Second Schedule to these regulations.

Powers of the Naval Board

34. Without restricting its general powers in that behalf, the Naval Board may—

- (a) Where it desires to retain complete control of any invention, order the assignment of the invention and any Letters Patent when granted in respect thereof to the Crown, or to such person on behalf of the Crown as may be directed by the Minister, whereupon it shall not be lawful for the inventor to 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 deemed 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, whereupon he shall be deemed to be released from the obligations into which he has entered pursuant to regulation 33 hereof.

Royalties and Rewards

35. (1) In the case of an invention which has an industrial application and has been assigned to the Crown or to any person on behalf of the Crown, the Naval Board may—

- (a) Itself deal with the commercial rights, in which case the inventor shall be granted an appropriate share of any royalties or other moneys received therefrom; or
- (b) Grant to the inventor the right to deal with the commercial rights subject to such conditions as the Naval Board 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.

Appeals

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

- (a) In the case of an invention dealt with under regulation 35 (1) (a) hereof, if the inventor considers that the share of royalties or commercial proceeds offered to him by the Naval Board is inadequate, or if no such share is offered to him;
- (b) In the case of an invention dealt with under regulation 35 (1) (b) hereof, if the inventor considers that any share of royalties or commercial proceeds he is called upon by the Naval Board to pay is excessive;
- (c) In the case of an invention dealt with under regulation 35 (2) hereof, if the inventor considers that the award offered to him by the Crown is inadequate, or if no award has been granted.

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

(3) Any inventor wishing to appeal under this regulation shall give written notice of appeal to the Navy Secretary, and shall specify therein the name of the person whom he appoints to act as assessor on his behalf at the hearing of his appeal, and the assessor shall give in writing his assent to act.

(4) Within twenty-one days after receipt of the notice of appeal the Navy Secretary shall inform the inventor of the name of the Magistrate before whom the appeal will be heard and of the assessor appointed by the Naval Board, and shall at the same time forward to the Magistrate a copy of the decision appealed against and the notice of appeal therefrom, together with a notice of the appointment of an assessor by the Naval Board.

(5) The Inventions Appeal Committee shall hear and determine the appeal at such convenient time and place as may be decided by the Magistrate, to be not more than forty-two days after the receipt by the Navy Secretary of the notice of appeal.

(6) The Magistrate shall cause at least five days' previous notice of such time and place as aforesaid to be given to each assessor, the Navy Secretary, 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, and the Naval Board may be represented by any person appointed by the Board.

(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 may, in its discretion, receive any evidence that 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 the same would be legally admissible in a Court of law or not.

(11) On any appeal under this regulation the decision of the Inventions Appeal Committee shall be final and conclusive.

(12) The determination made in respect of the appeal shall be in writing signed by the Magistrate and by at least one of the assessors. A copy thereof shall be forwarded by the Magistrate to the inventor and to the Navy Secretary, and the Naval Board shall forthwith give effect to the determination.

(13) If by reason of death, sickness, removal, or any other cause the Magistrate named as provided in subclause (4) of this regulation is unable to discharge the duties laid down in this regulation, any other Magistrate may discharge those duties in the place of the Magistrate so named.

(14) If by reason of death, sickness, removal, or any other cause the Magistrate so named as aforesaid is not present at the time and place fixed for the hearing of the appeal, any other Magistrate for the time being present may act in the place of the Magistrate so named, and if no other Magistrate is available the assessors may from time to time adjourn the hearing of the appeal for such period, not exceeding fourteen days, as they think fit.

(15) If by reason of death, sickness, or any other cause any assessor is not present at the time and place fixed for the hearing of the appeal, the Naval Board or the inventor, as the case may require, shall, either at the time of the hearing or previously thereto, make a fresh appointment of an assessor, and shall forthwith give written notice thereof to the Magistrate and to the other party, and the Magistrate may adjourn the hearing of the appeal for such period, not exceeding fourteen days, as he thinks fit.

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

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

PART IX—SECURITY OF NAVAL DEFENCE INSTALLATIONS

37. (1) In this regulation, unless the context otherwise requires,—

“Naval defence installation” means any naval establishment as defined in the Navy Act; and includes the Calliope Dock at Auckland and all land and buildings contiguous thereto being the property of or administered by the Auckland Harbour Board:

“Naval Officer in Charge”, in relation to any area, means the naval officer for the time being appointed in charge of the naval defence installations in that area:

“Responsible officer” means any commissioned naval, army, or air force officer for the time being appointed for duty in any naval defence installation; and includes the Superintending Armament Supply Officer and the Security Officer at Auckland, and the Armament Supply Officer for the time being appointed to any other district, area, or naval defence installation.

(2) The several powers conferred upon the Naval Officer in Charge by this regulation shall respectively be exercisable by him only so far as he may from time to time be directed by the Naval Board to exercise them, and any such direction may from time to time be varied, modified, or withdrawn by the Naval Board. In any area over which no Naval Officer in Charge has been appointed the powers conferred on the Naval Officer in Charge by this regulation may be exercised by the Naval Board or by any responsible officer directed by the Naval Board to exercise them.

(3) The fact that the Naval Officer in Charge exercises any power under this regulation shall, in the absence of proof to the contrary, be sufficient evidence that he is duly authorised by the Naval Board to exercise that power.

(4) The powers conferred on the Naval Officer in Charge by this regulation shall be in addition to all other powers and authorities vested in him by virtue of his office.

(5) The Naval Officer in Charge shall under the Naval Board have complete and absolute control of the naval defence installations in the area under his command.

(6) The Naval Officer in Charge may in his absolute discretion control, limit, or restrict the movements or activities of any person or group of persons within a naval defence installation in such manner as he may deem necessary to ensure complete security of the naval defence installation; and in exercise of that discretion he may order the removal of any person or group of persons therefrom, or prohibit the entry of any person or group of persons therein, without being called upon to give any person any reason for his so doing.

(7) The Naval Officer in Charge may order the immediate removal of any worker or employee, by whomsoever employed, engaged in or about a naval defence installation, or of any person or group of persons found therein, without assigning any reason for his so doing, and he may, if he deems it necessary, direct the use of sufficient forcible means to effect the removal of any such worker, employee, person, or group of persons.

(8) The Naval Officer in Charge shall exercise complete and absolute control of all shipping and small craft lying within or alongside or in the immediate vicinity of a naval defence installation.

(9) The Naval Officer in Charge shall be entitled, so far as and whenever he thinks fit, to exercise complete and absolute control over the master and crew of any ship or small craft lying within or alongside a naval defence installation, and all persons in or engaged about any such ship or small craft, by whomsoever employed, and may order the immediate removal from any such ship or small craft or its neighbourhood of any such person as aforesaid.

(10) The Naval Officer in Charge may apprehend or detain, or cause to be apprehended or detained, any person found within or in the precincts of a naval defence installation if in his absolute discretion he considers that there is any reasonable ground for suspecting that person to be engaged or about to engage in an act calculated to be harmful to the naval defence installation, or to any Government property thereon.

(11) The Naval Officer in Charge may, with the prior approval of the Naval Board, from time to time by public notice declare that any naval defence installation or any specified area of land or water adjoining a naval defence installation is a prohibited area, and that during such periods as may be so notified no unauthorised person is permitted to approach or enter the prohibited area.

(12) The powers conferred by subclauses (6) and (7) of this regulation shall be exercisable in respect of a prohibited area as fully as in respect of a naval defence installation.

(13) The Naval Officer in Charge may prescribe terms or conditions upon or subject to which persons may be permitted to enter a naval defence installation or a prohibited area and in particular he may cause all or any persons entering or leaving, or about, to enter or leave, to be searched, both as to their persons and also as to ships, boats, craft, vehicles, receptacles, or parcels, belonging to or in the possession of any such persons. Any person attempting to enter or leave who refuses to submit to any such search as aforesaid may be subjected to such force as may be reasonably necessary to carry out an effective search, both as to his person and as to any such ships, boats, craft, vehicles, receptacles, and parcels.

(14) The Naval Officer in Charge may from time to time issue such orders as he deems necessary or expedient for the exercise of his powers under this regulation and by means of any such orders may delegate to one or more responsible officers all or any of his powers and the discretion to exercise them, except the power to declare prohibited areas contained in subclause (11) of this regulation:

Provided that any action taken under this regulation by any such officer to whom he delegates any powers shall be confirmed or rescinded by the Naval Officer in Charge within forty-eight hours, or, if he is absent from the headquarters of the area under his command, within forty-eight hours after his return thereto.

(15) The fact that any responsible officer exercises any powers under this regulation shall, in the absence of proof to the contrary, be sufficient evidence that he is duly authorised to exercise those powers, and no rescission or absence of confirmation of any action taken by a responsible officer shall invalidate any action so taken or affect the liability of any person charged with an offence against this regulation.

(16) Any constable may carry out an order of the Naval Officer in Charge, or of a responsible officer authorised to give the order, relating to the removal of any person, the apprehension or detention of any person, or the search of any person, ship, boat, craft, vehicle, receptacle, or parcel.

(17) The powers conferred on constables by this regulation shall be in addition to and not in derogation of the powers conferred on constables by any other enactment.

(18) Every person commits an offence against this regulation who disobeys or fails forthwith to comply with any order, direction, or requirement given thereunder, or who approaches or enters or attempts to enter a prohibited area during such period as may be notified as hereinbefore provided, or who fails to comply with any terms or conditions upon or subject to which he is permitted to enter any naval defence installation.

PART X—REVOCATIONS AND SAVINGS

38. (1) The following regulations are hereby revoked, namely:

- (a) The regulations for the government and payment of the New Zealand Naval Forces 1929* and all amendments thereof:
- (b) The regulations for Officers of the Royal Naval Reserve (New Zealand Division) and the Royal Naval Volunteer Reserve (New Zealand Division) 1924† and all amendments thereof:
- (c) The regulations for the New Zealand Royal Naval Reserve (Men) 1922‡ and all amendments thereof:
- (d) The regulations as to the modification of the Naval Discipline Act in its application to the New Zealand Naval Forces§:
- (e) The Naval Dockyard Regulations 1949||.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

*Gazette, 1929, Vol. III, page 3133

†Gazette, 1924, Vol. III, page 2767

‡Gazette, 1922, Vol. II, page 1777

§Gazette, 1921, Vol. II, page 2148

||S.R. 1949/187

SCHEDULES

FIRST SCHEDULE

Reg. 5

MODIFICATIONS OF NAVAL DISCIPLINE ACT IN APPLICATION TO NAVAL FORCES

PART I

Naval Discipline Act, Regulations, and Queen's Regulations and Admiralty Instructions

1. Except in sections 65 and 86 of the Naval Discipline Act 1866, by substituting a reference to the Naval Board for every reference to the Admiralty, or to the Lords of the Admiralty, or to the Lords Commissioners of the Admiralty.

2. By substituting a reference to the Navy Secretary for every reference to the Secretary of the Admiralty, or to one of the Secretaries of the Admiralty, or to the Director of Naval Accounts.

FIRST SCHEDULE—*continued*

3. By substituting a reference to New Zealand for every reference to England or to the United Kingdom or to the United Kingdom of Great Britain and Ireland.

4. By substituting a reference to the Supreme Court of New Zealand for every reference to the Court of Admiralty or to the Admiralty Court or to the High Court in England.

5. By substituting a reference to a Crown Solicitor or other barrister or solicitor assigned by the Attorney-General for every reference to a Treasury Solicitor.

PART II

Naval Discipline Act 1866

Section 1—

By omitting the words “liturgy of the Church of England established by law”, and substituting the words “manner and form adopted for use in the New Zealand Naval Forces”.

Section 21—

By omitting the words “Secretary of War or the Air Council”, and substituting the words “Army Secretary or the Air Secretary”.

Section 25—

By omitting this section.

Section 26—

By omitting this section.

Section 45—

By omitting this section, and substituting the following section:

45. Penalty for offences punishable by ordinary law.—If any person subject to this Act is guilty of any offence which when committed in New Zealand is punishable by the law of New Zealand, he shall be liable, whether the offence is committed in New Zealand or elsewhere, to suffer any punishment that could be imposed on him if he were duly convicted of the offence before a Court in New Zealand other than a Court Martial, or (except in the case of murder or treason) to suffer any punishment that could be imposed on him for an offence under section forty-three of this Act.

Section 48—

By omitting this section, and substituting the following section:

48. Power of Court Martial to convict of less offence on charge of greater.—(1) Where any person is charged with an offence under this Act other than an offence under section forty-five of this Act, he may be found guilty of any other such offence, being an offence of the same nature as and involving a degree of punishment not greater than the offence with which he is charged.

(2) Where any person is charged with any offence under section forty-five of this Act, whether the offence is committed in New Zealand or elsewhere, he may be found guilty of any other offence of which he could have been convicted by a Court in New Zealand other than a Court Martial upon trial before that Court for the offence with which he is charged, assuming where the offence has been committed outside New Zealand that it had been committed in New Zealand.

Section 53—

By omitting from subsection (1) the words “except in case of sentence of death, which shall only be remitted by His Majesty”.

By omitting subsection (3), and substituting the following subsection:

(3) The punishment of death shall not be inflicted on any prisoner until the sentence has been approved by the Governor-General under section twenty-nine of the Navy Act.

By omitting from subsection (6) the words “air force, or civil service”, and substituting the words “or air force”.

Section 56—

By omitting from paragraph (c) of subsection (3) the words “section one hundred and seventy-nine of the Army Act 1881”, and substituting the words “section one hundred and forty-eight of the New Zealand Army Act 1950”.

Section 57—

By inserting in paragraph (2), before the words “the Commander in Chief”, the words “the Naval Board or”.

FIRST SCHEDULE—*continued*

Section 58—

By inserting, after the words “The following regulations are hereby made with respect to Courts Martial”, the words “and shall apply as modified by section thirty of the Navy Act”.

By omitting paragraph (3).

Section 66—

By omitting this section, and substituting the following section:

66. Summoning witnesses.—Every person who may be required to give evidence or produce documents before a Court Martial, whether he is subject to this Act or not, may be summoned to attend by writing under the hand of the Navy Secretary or of the Deputy Judge Advocate or of the person appointed to officiate as Deputy Judge Advocate at the trial.

Section 67—

By omitting this section.

Section 68—

By omitting this section, and substituting the following section:

68. Where persons are insane at the time of offence or trial.—(1) Where it appears on the trial by Court Martial of a person charged with an offence that he is by reason of insanity unfit to take his trial, the Court shall find specially that fact; and he shall be kept in custody in the prescribed manner until the pleasure of the Minister of Justice is known, or until any earlier time at which the person charged is fit to take his trial; and, if he is in New Zealand or is brought to New Zealand, the provisions of sections thirty-four, thirty-five, and thirty-six of the Mental Health Act 1911 shall so far as they are applicable and with any necessary modifications, apply as if he had been found to be insane upon arraignment for an indictable offence under section thirty-two of that Act.

(2) Where, on the trial by Court Martial of a person charged with an offence, it appears that he did the act or made the omission with which he is charged, but that he was insane at the time when he did or made the same, the Court shall find specially those facts, and shall find that he is acquitted on account of his insanity; and he shall be kept in custody in the prescribed manner until the pleasure of the Minister of Justice is known; and, if he is in New Zealand or is brought to New Zealand, the provisions of sections thirty-four and thirty-six of the Mental Health Act 1911 shall apply as if he had been acquitted on a charge of an indictable offence on the ground of insanity under section thirty-one of that Act.

(3) If in either of the above-mentioned cases the person charged is in New Zealand, the Minister of Justice may give orders for the safe custody of that person during the Minister's pleasure, in such place and in such manner as the Minister thinks fit.

Section 69—

By omitting the words “not sooner than six months after the trial if the same takes place in the Mediterranean, three months if at any other naval station within Europe, and twelve months if elsewhere”.

Section 76—

By omitting this section.

Section 80—

By omitting this section, and substituting the following section:

80. (1) Section thirty-eight of the Mental Health Act 1911 is hereby extended to apply with respect to naval prisoners and ratings under sentence of detention who are undergoing their sentences in New Zealand.

(2) If a naval prisoner or rating under sentence of detention who is undergoing his sentence outside New Zealand becomes insane, then, without prejudice to any other provision for dealing with the insane person, the Minister of Justice may, upon a certificate of the insanity by two qualified medical practitioners, order the removal of that person to a mental hospital, there to remain for the unexpired term of his imprisonment or detention, and, upon that person being certified in the like manner to be again of sound mind, may order his removal to any prison or detention barrack in which he might have been confined if he had not become insane, there to undergo the remainder of his punishment.

Section 81—

By omitting this section.

FIRST SCHEDULE—*continued*

Section 82—

By omitting this section.

Section 83—

By omitting this section.

Section 88—

By omitting this section.

Section 90—

By inserting in subsection (2), after the words "His Majesty", the words "or the Governor-General".

Section 90A—

By omitting this section.

Section 90AB—

By omitting this section.

Section 90B—

By omitting this section, and substituting the following section:

90B. Naval officers and seamen in Commonwealth ships.—(1) Any person in or belonging to the New Zealand Naval Forces who, by order of the Naval Board or of the Commander in Chief or the senior naval officer present on a foreign station, is serving in a ship or belonging to the naval forces of any country of the Commonwealth other than New Zealand (if the ship is not at the time placed at the disposal of the Naval Board) or in a naval establishment of any such country, or who is on board any such ship or in any such establishment as aforesaid awaiting passage or conveyance to any destination shall, for all purposes of command and discipline, be subject to the laws and customs for the time being applicable to the ships and naval forces of that country.

(2) For the purposes of this section the expression "Commonwealth" means the British Commonwealth of Nations.

Section 97—

By omitting this section.

Section 98—

By omitting this section.

Section 98A—

By omitting this section.

SECOND SCHEDULE

Reg. 33

AGREEMENT WITH RESPECT TO INVENTION

Address:.....

Date:.....

I (we) HAVE applied (or am (are) about to apply) to the Patent Office for a patent for

I (we) will act in accordance with the Navy Regulations 1958 and Naval Instructions for the Royal New Zealand Navy as directed by the Naval Board 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 Naval Board.
- (b) I (we) will supply to my (our) commanding officer two copies of the provisional specification as soon as the application has been filed at the Patent Office, and any further information and particulars regarding the invention as may be required by the Naval Board.
- (c) I (we) will, if so ordered, assign to the New Zealand Government Property Corporation or such other person on behalf of Her Majesty, as may be required, 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 others authorised by them, as may be directed by the Naval Board.
- (d) I (we) will not assign or deal with the invention or patent, or grant any licences or rights for the use thereof, to any one except with the previous authority of the Naval Board or under the terms of any agreement with the Minister of Defence.

SECOND SCHEDULE—*continued*

- (e) I (we) agree that the terms of payment (if any) for any assignment of the invention or patent directed by the Naval Board or for its use in Her Majesty's service, will, subject to the provisions of the said regulations as to appeals, be decided by the Naval Board, 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, 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 Naval Board.
- (g) I (we) will if so required by the Naval Board do all things necessary for obtaining a patent whether in New Zealand or any other country at the expense of the Navy Department and under such conditions as may be prescribed by the Naval Board.

Inventor's Signature:.....

Rank:.....

(Certificate to be signed by the
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:.....

T. J. SHERRARD,
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 re-enact the existing regulations relating to the New Zealand Naval Forces, and are to come into force when the Navy Act 1954 comes into force.

The regulations are amended and extended so as to adapt them to the provisions of the new Navy Act, and they include provisions making the necessary modifications to the United Kingdom Naval Discipline Act and Queen's Regulations and Admiralty Instructions in their application to the New Zealand Naval Forces.

The following sections of the Naval Discipline Act are excluded and not replaced:

- S. 76 (Expenses of removal or subsistence of prisoners).
- S. 81 (Naval prisons).
- S. 83 (Penalties on gaolers, etc.).
- S. 97 (Restriction on arrest for debt).
- S. 98 (Discharge from arrest for debt).
- S. 98A (Liability of seamen for maintenance of wives and children).

The following sections of the Naval Discipline Act are excluded and replaced in the Navy Act 1954 as under:

Naval Discipline Act	Navy Act
25, 26	33
67	38 (2)
82	37
88	32
90A	47
90AB	46

The regulations do not set out the rates of pay and allowances, but Part VI provides that these rates are to be prescribed from time to time by the Minister of Defence, with the concurrence of the Minister of Finance, and published in the *Gazette*.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 January 1958.

These regulations are administered in the Navy Department.