



THE NAVY REGULATIONS 1958, AMENDMENT NO. 6

KEITH HOLYOAKE, Governor-General

By his Deputy
RONALD DAVISON

ORDER IN COUNCIL

At the Government Buildings at Wellington this 18th day of September
1978

Present:

THE HON. J. B. GORDON PRESIDING 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Navy Regulations 1958, Amendment No. 6, and shall be read together with and deemed part of the Navy Regulations 1958* (hereinafter referred to as the principal regulations).

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

2. Modification of the Naval Discipline Act 1957—(1) Part II of the First Schedule to the principal regulations (as substituted by regulation 2 (2) of the Navy Regulations 1958, Amendment No. 1) is hereby amended by inserting, after the item relating to section 44 of the Naval Discipline Act 1957, the following item:

“Section 49—

“By inserting in the proviso to subsection (5), after the words ‘other than those described in’, the words ‘paragraph (i), paragraph (j), paragraph (1) and’.”

(2) Part II of the said First Schedule is hereby further amended by revoking the item relating to section 54 of the Naval Discipline Act 1957, and substituting the following items:

*S.R. 1958/3

Amendment No. 1: S.R. 1959/40
Amendment No. 2: S.R. 1959/114
Amendment No. 3: S.R. 1963/117
Amendment No. 4: S.R. 1967/275
Amendment No. 5: S.R. 1972/105

“Section 54—

“By inserting in subsection (1), before the words ‘A Court Martial’, the words ‘Except as provided by subsection (8A) of this section,’.

“By inserting in subsection (2), before the words ‘An officer’, the words ‘Except as provided by subsection (8A) of this section,’.

“By inserting in subsection (5), before the words ‘The president’, the words ‘Except as provided by subsection (8A) of this section,’.

“By inserting, after subsection (8), the following subsection:

“(8A) A restricted Court Martial consisting of three officers, being officers of Her Majesty’s naval forces subject to this Act, may be ordered in the same manner as a Court Martial, and the provisions of this Act applicable to Courts Martial shall apply accordingly with the following modifications:

“(a) A restricted Court Martial shall not try an officer or warrant officer, or any person who is not subject to this Act, with having committed an offence against this Act;

“(b) A restricted Court Martial shall not sentence any person to death or to imprisonment for life or for a term exceeding two years;

“(c) An officer shall not be appointed a member of a restricted Court Martial unless he has held a commission in any of the armed forces of the Crown for a period of not less than two years or for periods amounting in the aggregate to not less than two years; and

“(d) The president of a restricted Court Martial shall not be below the rank of lieutenant-commander.

“By adding the following subsection:

“(9) This section shall be read subject to the provisions of section 30 of the Navy Act 1954.

“Section 57—

“By inserting, after subsection (2), the following subsection:

“(2A) Nothing in subsection (2) of this section shall apply to a restricted Court Martial, and if at any time between the commencement of the trial and the pronouncement of sentence by that Court a member dies or is otherwise unable to attend, the Court shall be dissolved and the accused may be tried by another Court.”

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 enable an officer who is not below the rank of lieutenant, to whom the power to summarily try and punish ratings is delegated, to impose a punishment of a fine, severe reprimand, or reprimand, in addition to minor punishments.

They also provide for restricted Courts Martial to try persons, subject to the following limitations:

- (a) A restricted Court Martial may not try an officer or a warrant officer, or any person who is not subject to the Naval Discipline Act 1957, for an offence against that Act:
- (b) A restricted Court Martial may not impose sentence of death, or imprisonment for life or for any term exceeding 2 years.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 September 1978.

These regulations are administered in the Ministry of Defence.