

**Reprint**  
**as at 12 April 2012**

**Military Manoeuvres Act 1915**

Public Act 1915 No 42  
Date of assent 11 October 1915

Military Manoeuvres Act 1915: repealed, on 12 April 2012, by section 3 of the  
Military Manoeuvres Act Repeal Act 2012 (2012 No 33).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered in the Ministry of Defence**

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**An Act to facilitate military manoeuvres**

**1 Short Title**

This Act may be cited as the Military Manoeuvres Act 1915.

**2 Governor-General may, by Proclamation, declare lands to be available for military manoeuvres**

- (1) The Governor-General may from time to time, by Proclamation, declare that any land referred to in that Proclamation shall, for such period as may be specified therein, be available for military manoeuvres; and every such Proclamation shall have effect according to its tenor.
- (2) A Proclamation under this section shall not authorise entry on or interference with any dwellinghouse, place of worship, school, factory, workshop, store, or premises used for the carrying-on of any trade or manufacture, or any garden or orchard, or any ground attached to any place of worship or school, or any premises enclosed within the curtilage of or attached to any dwellinghouse.
- (3) Subject to the provisions of the last preceding subsection, a Proclamation under this section may apply to any land notwithstanding that the same is reserved for a public purpose, or is otherwise subject to any reservation or restriction as to the use thereof.

**3 Powers of Minister and others with respect to proclaimed land**

When any land has been proclaimed under this Act as available for military manoeuvres, and while the Proclamation remains in force, the Minister of Defence or any person authorised by him in that behalf, or the officer commanding any military manoeuvres, for the purpose of rendering the land suitable for the execution of such manoeuvres or in the course of such manoeuvres, may do all or any of the following things, namely:

- (a) By notice published in the *Gazette* and in some newspaper circulating in the district, and exhibited on any road or street upon such land, prohibit or restrict the traffic on such road or street for any period not exceeding 48 hours at any one time:  
Provided that on the expiry of the period specified in any such notice no further prohibition or restriction of traffic shall be effective within the next succeeding period of 24 hours;
- (b) Pull down or erect any fence or barricade, or other obstruction, on the land;
- (c) Divert or stop any watercourse; and
- (d) Do any other act on or in connection with the said land that he considers necessary or expedient for the proper utilisation of the said land for the purposes aforesaid:  
Provided that not less than 24 hours' previous notice in writing shall be given to the owner or occupier of private land entered on for the purpose of this Act in all cases where it is reasonably practicable to give such notice.

#### **4 Compensation payable for loss or injury resulting from military manoeuvres**

- (1) Compensation as hereinafter provided shall be paid out of money to be appropriated by Parliament for the purpose to every person having any estate or interest in any lands to which a Proclamation under this Act relates in respect of any loss or injury suffered by that person by reason—
  - (a) Of the use for military manoeuvres of the lands referred to in the Proclamation; or
  - (b) Of the acts or omissions of any officers or men engaged in or preparing for military manoeuvres on the said land, whether such acts or omissions are lawfully in the course of the duties of such officers or men or not.
- (2) The amount of compensation payable under this section shall be such amount as may be mutually agreed on between the Minister of Defence and the claimant.
- (3) In default of agreement between the Minister and the claimant as to the amount of compensation to be paid to the claimant,

the Minister shall forthwith submit the claim to a District Court Judge for inquiry.

- (4) The District Court Judge to whom a claim is submitted under this section shall as soon as conveniently may be inquire into the same, and shall assess the amount of compensation properly payable in respect of the loss or injury suffered by the claimant (not exceeding the amount specified in the claim), and the determination of the District Court Judge shall be final.
- (5) In considering a claim under this section and assessing the amount of compensation properly payable thereunder, the District Court Judge shall take into consideration—
  - (a) The length of notice given to the claimant, whether by public notice or otherwise howsoever, that the land in respect of which the loss or injury has occurred was required for the purposes of military manoeuvres:
  - (b) The directions given by the Minister of Defence or by any officer of the New Zealand Army, or by regulations under this Act, as to precautions to be taken in order to avoid or minimise the risk of loss or injury by reason of such manoeuvres:
  - (c) The failure or otherwise of the claimant to observe such directions, or to take any other precautions that he might reasonably have been expected to take for the protection of his interests:
  - (d) Such other matters as the District Court Judge thinks fit.
- (6) No compensation shall be payable under this Act in respect of loss or injury resulting by reason of the failure of the claimant to take reasonable precautions to prevent such loss or injury, but compensation shall be paid in respect of the expenses or loss reasonably incurred by the claimant in taking such precautions.
- (7) For the purposes of any inquiry under this section a District Court Judge shall have the same power of summoning witnesses and hearing evidence as if the claim was a complaint under the Summary Proceedings Act 1957.

In subsection (3) the reference to a District Court Judge was substituted for a reference to a Stipendiary Magistrate pursuant to section 18(2) of the District Courts Amendment Act 1979.

In subsections (4), (5), and (7) the references to a District Court Judge were substituted for references to a Magistrate by section 18(2) of the District Courts Amendment Act 1979.

In subsection (5)(b) the reference to the New Zealand Army was substituted for a reference to the Defence Forces by section 159 of the New Zealand Army Act 1950. *See* section 2(1) of the Defence Act 1971. In subsection (7) the Summary Proceedings Act 1957 has been substituted for the repealed Justices of the Peace Act 1908.

## **5 Offences**

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$40 who—
  - (a) Wilfully and without lawful authority obstructs or interferes with the execution of any military manoeuvres on land proclaimed under this Act as available for such manoeuvres;
  - (b) Erects or displays any notice or mark on or relating to any land proclaimed under this Act representing or implying that the use of that land is not available for military manoeuvres;
  - (c) Contrary to the terms of any notice prohibiting or restricting traffic upon any road or street, uses or attempts to use such road or street for purposes of traffic;
  - (d) Without lawful authority removes or otherwise interferes with any notice, sign, or mark erected or posted by the military authorities on the said land; or
  - (e) In any other way unlawfully interferes with the authorised use of that land under this Act.
- (2) Every person who, without lawful authority, obstructs or interferes with the execution of any manoeuvres, or who uses or attempts to use any road or street for purposes of traffic contrary to the terms of any notice prohibiting or restricting such traffic, may be forcibly removed by or by the order of any officer of the New Zealand Army.

In subsection (1) the expression “\$40” was substituted for the words “twenty pounds” by section 7 of the Decimal Currency Act 1964.

In subsection (2) the reference to the New Zealand Army was substituted for a reference to the Defence Forces by section 159 of the New Zealand Army Act 1950. *See* section 2(1) of the Defence Act 1971.

**6 Definition of right to execute military manoeuvres**

The right to execute military manoeuvres under this Act includes the right to enter on, pass over, and encamp on any land proclaimed under this Act, and to construct military works thereon.

**7 After manoeuvres, land to be restored to previous condition**

As soon as practicable after the conclusion of any military manoeuvres the officer commanding the forces engaged therein shall, so far as possible, restore the land to its previous condition.

**8 Regulations**

The Governor-General may from time to time, by Order in Council gazetted, make regulations—

- (a) Prescribing periods and forms of notice to be given in respect of matters under this Act in which it is deemed necessary or expedient that notice should be given;
- (b) Prescribing generally, or in any particular case, precautions to be taken by the owners or occupiers of land, or other persons having an interest therein, in order to avoid loss or injury by reason of the execution of military manoeuvres;
- (c) Limiting the time within which claims for compensation may be made;
- (d) Prescribing rules for the conduct of inquiries by District Court Judges under this Act; and
- (e) Prescribing such other matters as may be deemed necessary or expedient for the purpose of giving effect to this Act.

In paragraph (d) the reference to District Court Judges was substituted for a reference to Magistrates by section 18(2) of the District Courts Amendment Act 1979. *See* the Military Manoeuvres Regulations 1917 in the Gazette 1917, Vol 1, p. 466.

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## **Notes**

### **1 *General***

This is an eprint of the Military Manoeuvres Act 1915. The eprint incorporates all the amendments to the Act as at 12 April 2012. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 *About this eprint***

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

### **3 *List of amendments incorporated in this eprint (most recent first)***

Military Manoeuvres Act Repeal Act 2012 (2012 No 33): section 3

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