

Reprint
as at 5 August 2013

**Military Decorations and
Distinctive Badges Act 1918**

Public Act 1918 No 3
Date of assent 10 December 1918

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered in the Ministry of Defence.

An Act to prohibit the improper use or disposal of military decorations and other insignia

1 Short Title

This Act may be cited as the Military Decorations and Distinctive Badges Act 1918.

2 "Military decoration" defined

[Repealed]

Section 2: repealed, on 8 November 1974, by section 2(1) of the Military Decorations and Distinctive Badges Amendment Act 1974 (1974 No 105).

3 Offences. Penalties

[Repealed]

Section 3: repealed, on 8 November 1974, by section 2(1) of the Military Decorations and Distinctive Badges Amendment Act 1974 (1974 No 105).

4 Governor-General may define and assign distinctive badges

(1) The Governor-General may, by Order in Council published in the *Gazette*, define a badge or badges and assign the same to be worn as a distinctive mark or marks only by the members of a society incorporated under the Incorporated Societies Act 1908 of which the membership (other than honorary membership) is limited to persons or classes of persons who have served in His Majesty's Forces during a period when His Majesty is or was at war, or who have rendered public service, whether civil or military, during such a period.

(2) It shall not be lawful for any person other than a member of the incorporated society to which a badge is assigned under the foregoing provisions of this section to wear such badge or any colourable imitation thereof, or to pretend in any manner to be entitled to wear such badge.

Section 4(1): amended, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

4A Offences in respect of military decorations

(1) In this section the term **military decoration** means any medal, clasp, badge, ribbon, stripe, emblem, or decoration issued,

supplied, or authorised, or purporting or reputed to be issued, supplied, or authorised, by a naval, military, or air force authority, whether in New Zealand or in any other Commonwealth country; but does not include an ordinary regimental badge or any brooch or ornament representing such a badge.

- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$500—
- (a) who represents himself, contrary to the fact, to be a person who is or has been entitled to wear or use any military decoration; or
 - (b) who wears or uses any medal, clasp, badge, ribbon, stripe, emblem, or decoration that is intended or is likely, by reason of its appearance or in any other manner, to cause any person to believe, contrary to the fact, that it is a military decoration; or
 - (c) who, without reasonable excuse, supplies or offers to supply—
 - (i) any military decoration; or
 - (ii) any medal, clasp, badge, ribbon, stripe, emblem, or decoration that is intended or is likely, by reason of its appearance or in any other manner, to cause any person to believe, contrary to the fact, that it is a military decoration—
to any person who is not authorised to wear or use that military decoration.
- (3) In a prosecution under this section, the burden of proving that any person is authorised to wear or use any military decoration shall be on the defendant.

Section 4A: inserted, on 1 February 1982, by section 46(1) of the Summary Offences Act 1981 (1981 No 113).

Section 4A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 Recognition of Boy Scouts' Association. Offence of unlawfully wearing uniform or badge of Boy Scouts' Association
[Repealed]

Section 5: repealed, on 24 November 1967, by section 7 of the Scout Association of New Zealand Amendment Act 1967 (1967 No 3 (P)).

6 Penalties

Every person who commits an offence against section 4 is liable on conviction to imprisonment for a period not exceeding 1 month, or to a fine not exceeding 20 pounds.

Section 6: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6: amended, on 1 February 1982, by section 46(2) of the Summary Offences Act 1981 (1981 No 113).

Eprint notes

1 *General*

This is an eprint of the Military Decorations and Distinctive Badges Act 1918 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Legislation Act 2012 (2012 No 119): section 77(3)
Criminal Procedure Act 2011 (2011 No 81): section 413
