

Version
as at 28 October 2021



Armed Forces Canteens Act 1948

Public Act 1948 No 51
Date of assent 26 November 1948
Commencement see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Defence.

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An Act to constitute the Armed Forces Canteen Council, to provide for the establishment of canteens and other amenities for the benefit of the Armed Forces, and for matters incidental thereto

1 Short Title and commencement

This Act may be cited as the Armed Forces Canteens Act 1948 and shall come into force on 1 December 1948.

2 Interpretation

In this Act, unless the context otherwise requires,—

amenities means canteens, cinematograph theatres and other theatres and places of social entertainment, hairdressing saloons, cafeterias, shops, and other facilities calculated to meet the current requirements of members of Her Majesty's Armed Forces and of other persons employed or residing on service establishments; but does not include any service mess

Council means the Armed Forces Canteen Council constituted under this Act

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

financial year means a year ending on 31 March

Fund means the Armed Forces Canteen Fund established under this Act

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Minister means the Minister of Defence

service establishment means any place where members of Her Majesty's Armed Forces are from time to time stationed or assembled under naval, military, or air force control.

Section 2 **financial statements**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **generally accepted accounting practice**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

The Armed Forces Canteen Council

3 Incorporation of Armed Forces Canteen Council

- (1) There is hereby constituted for the purposes of this Act a body corporate under the name of the Armed Forces Canteen Council, having perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.
- (2) The Council hereby constituted shall be deemed to be the same body corporate as the Canteen Board established under the Defence Canteen Emergency Regulations 1939.

4 Membership of the Council

- (1) The Council shall consist of—
 - (a) the Minister, who shall be the Chairman of the Council;
 - (b) an officer of the Royal New Zealand Navy, an officer of the New Zealand Army, and an officer of the Royal New Zealand Air Force, to be appointed by the Minister and to hold office during the pleasure of the Minister;
 - (c) such other persons as the Minister from time to time appoints to be members of the Council either by name or as the holder for the time being of any office, to hold office during the pleasure of the Minister.
- (2) The procedure of the Council shall be such as may be prescribed by regulations made under this Act, or as may be determined by the Council if there are no such regulations or in cases where the regulations do not apply.

5 Contracts of the Council

- (1) Any contract which, if made between private persons, must be by deed shall, if made by the Council, be in writing under the common seal of the Council.
- (2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Council, be in writing either under the common seal of the Council or signed on behalf of the Council by some member or officer of the Council duly authorised in that behalf.
- (3) Any contract which, if made between private persons, may be made orally without writing may, if made by the Council, be made orally without writing

by any person acting on behalf of and under the express authority of the Council, but no oral contract shall be made for any sum exceeding \$100.

- (4) The common seal of the Council shall not be affixed to any document except pursuant to a resolution of the Council, and the execution of any document so sealed shall be attested by 2 members of the Council and by the General Manager or the Secretary or by some officer of the Council authorised by the Council in that behalf.
- (5) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Council shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Council or to give effect to a resolution of the Council.

Section 5: replaced, on 25 October 1956, by section 2 of the Armed Forces Canteens Amendment Act 1956 (1956 No 45).

6 Officers of the Council

The Council may from time to time appoint—

- (a) a General Manager of the Council; and
- (b) a Secretary of the Council; and
- (c) such other employees as may be deemed necessary to assist in the efficient carrying out of the administrative functions of the Council under this Act.

Section 6: replaced, on 1 April 1988, by section 87 of the State Sector Act 1988 (1988 No 20).

Functions and powers of the Council

7 Functions of the Council

The functions of the Council shall be to provide amenities on service establishments for the benefit of members of the Armed Forces and of other persons employed or residing on those establishments.

8 Powers of the Council

- (1) The Council shall have power to set up and conduct amenities in such service establishments as the Minister from time to time determines, and to do all things as are in the opinion of the Council necessary or incidental to the setting up and conducting of any such amenities.
- (2) Without limiting the general power conferred by the last preceding subsection, it is hereby declared that the Council shall have the following powers:
 - (a) to buy, sell, and deal in goods of all kinds, and to acquire by purchase or on bailment or otherwise all such furniture, fittings, machinery, accessories, and implements as may be necessary or desirable for the more effectual conduct of any such amenity as aforesaid:

- (aa) to buy goods of all kinds that are necessary or desirable for the conduct of service messes and sell the same to duly authorised service messes:
- (b) from time to time to contract for the services of and engage, employ, and dismiss such persons (other than the General Manager, the Secretary, and other employees of the Council appointed under section 6) as may be required to assist in conducting any amenity which the Council is authorised to conduct under this Act:
- (c) to dispose of any property of the Council at such price and on such conditions as the Council thinks fit:
- (d) to expend moneys out of the Fund for any of the purposes specified in the last preceding section in such manner as the Council thinks fit:
- (e) to appoint committees of such persons (whether members of the Council or not) as it thinks fit, and to delegate to them such functions as it may determine:
- (f) to expend any moneys out of the Fund and generally take any action for any purpose that in its opinion is ancillary to the principal functions of the Council as defined in the last preceding section.

Section 8(2)(aa): inserted, on 25 October 1956, by section 4(1) of the Armed Forces Canteens Amendment Act 1956 (1956 No 45).

Section 8(2)(b): amended, on 25 October 1956, by section 3(2) of the Armed Forces Canteens Amendment Act 1956 (1956 No 45).

8A Armed Forces Canteen Council may acquire land and buildings for Council purposes

The Council may from time to time, with the consent of the Minister, for the more effectual administration of this Act and in order to make suitable provision for the carrying out of its functions under this Act,—

- (a) purchase or take on lease or otherwise acquire any land with or without buildings:
- (b) improve any land so acquired:
- (c) erect, alter, subdivide, repair, improve, rebuild, or add to buildings on land so acquired:
- (d) grant leases or tenancies of any land so acquired and of buildings (not being dwellinghouses) on land so acquired, or any part thereof, at such rent and upon such terms and conditions as it thinks fit:
- (e) let any dwellinghouse on land so acquired, or any part thereof, to any employee of the Council for such term and at such rent and otherwise upon such terms and conditions as it thinks fit:
- (f) let any dwellinghouse that is not for the time being required to provide residential accommodation for employees of the Council to such person, for such term, at such rent, and otherwise upon such terms and conditions as it thinks fit: