

Serial Number 1945/172



**THE WAR SERVICE GRATUITIES EMERGENCY  
REGULATIONS 1945**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 21st day of  
November, 1945

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the War Service Gratuities Emergency Regulations 1945.

2. (1) In these regulations, unless the context otherwise requires,—

“Date of entitlement” means the 31st day of March, 1946, or, in relation to any member whose war service has not ended on or before that date, means the last day of the month in which his war service ends :

“Member of the Forces” or “member” means any person who is or has at any time been a fully mobilized or regular member of any of His Majesty’s Naval, Military, or Air Forces established in New Zealand :

“Minister” means the Minister of Defence, and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions.

(2) For the purposes of these regulations the war service of any member shall be deemed to end on the date of his discharge from His Majesty’s Forces or (in the case of a regular member) on such date as the Minister determines.

WAR SERVICE GRATUITIES

3. (1) The Minister may in his discretion grant to any member of the Forces a war service gratuity in accordance with these regulations in respect of his service in connection with the war.

(2) A war service gratuity shall not be claimable or recoverable by any person as a matter of right, but shall be deemed to be a free gift by the Dominion in recognition of honourable service during the war, and the granting or payment of a war service gratuity may in any case be withheld or deferred by the Minister or made upon or subject to such conditions as the Minister thinks just and proper.

(3) If any question arises in relation to a claim by any person for a war service gratuity or discount or bonus or other benefit under these regulations, it shall be determined by the Minister, and his decision shall be final.

4. (1) The war service gratuity of any member of the Forces shall be computed at the following rates in respect of his service as a fully mobilized or regular member of any of His Majesty's Naval, Military, or Air Forces, that is to say:—

(a) At the rate of 2s. 6d. a day in respect of service outside New Zealand; and

(b) At the rate of 8d. a day in respect of service within New Zealand.

(2) No war service gratuity shall be payable—

(a) In respect of any service before the 3rd day of September, 1939:

(b) In respect of any service after the 31st day of March, 1946, except in such cases as the Minister determines:

(c) In respect of any service for any period during which the member's pay or unallotted pay has ceased by reason of his misconduct or for any other reason.

5. Notwithstanding the provisions of Regulation 4 hereof, the total war service gratuity that may be granted in respect of any member who at the date of his application for the gratuity is in receipt of a pension under the War Pensions Act, 1943, as a result of his service, whether within or outside New Zealand shall be not less than the appropriate amount hereinafter specified, that is to say—

(a) Where the war pension is a permanent pension in respect of total disablement, the sum of £200:

(b) Where the war pension is a permanent pension for partial disablement, a sum bearing to £200 the same proportion as the amount of the pension bears to the amount of the permanent pension to which the member would be entitled if he were totally disabled:

(c) Where the war pension is a temporary pension, such sum as the Minister thinks fit.

6. (1) Where any member has died before the date of entitlement, the Minister may in his discretion grant a war service gratuity in accordance with these regulations, or any part of such a gratuity, to or for the benefit of such dependant or dependants of the member, or such other person or persons, in such manner, and in such proportions, as the Minister thinks fit.

(2) Where the death of the member—

(a) Is attributable to his service, whether within or outside New Zealand; or

(b) Has occurred during his service outside New Zealand,—

the total war service gratuity that may be granted under this regulation shall be not less than £200.

(3) A war service gratuity granted under this regulation shall be deemed not to form part of the estate of the deceased member.

7. The Minister may in his discretion grant a war service gratuity in accordance with these regulations in respect of the fully mobilized service in any Armed Force of any person (not being a member of the Forces within the meaning of these regulations) who, while domiciled in New Zealand, served outside New Zealand in connection with the war.

8. From the war service gratuity payable in respect of the service of any member there may be deducted—

- (a) Any amount paid or payable by any other Government or authority on account of a gratuity of the same nature in respect of the same service or any part thereof;
- (b) Any amount due to His Majesty by the member in respect of any period of his service.

#### PAYMENT OF GRATUITIES

9. (1) Payment of any war service gratuity granted to any person shall be made by depositing the amount thereof in a Post Office Savings-bank Account to be opened in the name of that person, and to be known as a War Gratuity Post Office Savings-bank Account.

(2) All moneys so deposited shall be paid out of the War Expenses Account.

(3) The amount of the war service gratuity deposited in any War Gratuity Post Office Savings-bank Account in respect of any member shall be deemed to be deposited on the date of entitlement.

10. (1) With the consent of the Minister, any moneys so deposited in any War Gratuity Post Office Savings-bank Account may, at any time before the 31st day of March at or next following the end of the second year from the date of entitlement, be paid at the request of the depositor to any person on account of a debt incurred for any of the following purposes:—

- (a) For the purpose of purchasing a home, or furniture, or any other real or personal property for the investor;
- (b) For the purpose of establishing the investor in any business, profession, trade, or occupation;
- (c) For any other purpose approved by the Minister.

(2) Where the Minister consents under this regulation to the payment of any amount to any person, 95 per cent. of that amount shall be paid out of the War Gratuity Post Office Savings-bank Account and the balance of 5 per cent. shall be paid out of the War Expenses Account as a discount.

11. (1) On the 31st day of March at or next following the end of the first, second, and third years from the date of entitlement, the Minister shall deposit in every War Gratuity Post Office Savings-bank Account a bonus of 5 per cent. of the moneys remaining in the account at the close of business on that day, including interest up to that date.

(2) All such bonuses shall be paid out of the War Expenses Account.

12. (1) No deposits shall be made in any War Gratuity Post Office Savings-bank Account except as provided in these regulations.

(2) Notwithstanding anything to the contrary in Regulation 17 of the Post Office Savings-Bank Regulations 1944,\* any person may have a War Gratuity Post Office Savings-bank Account as well as

\* Statutory Regulations 1944, Serial number 1944/177, page 481.

another Post Office Savings-bank Account. In any such case the interest payable in respect of each of the accounts shall be computed without reference to the moneys deposited in the other account.

(3) On the 31st day of March at or next following the end of the third year from the date of entitlement, the moneys then remaining in any War Gratuity Post Office Savings-bank Account shall be transferred to the depositor's ordinary Post Office Savings-bank Account if he has one, and, if not, the War Gratuity Post Office Savings-bank Account shall be deemed to become an ordinary Post Office Savings-bank Account.

#### MISCELLANEOUS PROVISIONS

**13.** Except as provided in these regulations, no moneys deposited in any War Gratuity Post Office Savings-bank Account shall be capable of being assigned or charged or (except by reason of the death of the depositor) of passing to any other person by operation of law.

**14.** Where any person to whom a war service gratuity is granted dies after the date of entitlement the amount of the gratuity shall form part of his estate.

**15.** The amount of any war service gratuity or discount or bonus or interest payable under these regulations shall be exempt from income-tax and from the social security charge and the national security tax, and shall be deemed not to be income or property for the purposes of the Social Security Act, 1938, or of the War Pensions Act, 1943.

**16.** (1) A war service gratuity in respect of the service of any member of the Forces who is mentally defective may in the discretion of the Minister be granted to or for the benefit of the member or such dependant or dependants of the member, or such other person or persons, in such manner, and in such proportions, as the Minister thinks fit.

(2) Any moneys payable in accordance with these regulations out of a War Gratuity Post Office Savings-bank Account in the name of any member who is mentally defective may in the discretion of the Minister be paid to or for the benefit of the member or such dependant or dependants of the member, or such other person or persons, in such manner, and in such proportions, as the Minister thinks fit.

**17.** The Minister, in his discretion, may refuse any application for his consent under any of these regulations, or may grant the application either wholly or partly and either unconditionally or upon or subject to such conditions as he thinks fit.

**18.** (1) The Minister, or any other person with the authority of the Minister, may from time to time, either generally or particularly, delegate any of the powers conferred on him by or by virtue of these regulations, including the power of delegation conferred by this regulation.

(2) Subject to any general or special directions given or conditions attached by the Minister or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office.

(5) The delegation by the Minister or by any other person of any powers conferred on him by or by virtue of these regulations shall not prevent the personal exercise of those powers by the Minister or by that other person.

19. (1) Every person commits an offence against these regulations who—

- (a) Makes any false statement to or otherwise misleads or attempts to mislead the Minister or any other person concerned in the administration of these regulations :
- (b) Whether or not he is a claimant for a war service gratuity or a discount or a bonus under these regulations, does not faithfully disclose all particulars properly required to be disclosed by him in relation to any claim :
- (c) Accepts payment of any war service gratuity or discount or bonus under these regulations to which he is not entitled.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

W. O. HARVEY,  
Acting Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23rd day of November, 1945.

These regulations are administered in the Navy Department, Army Department and the Air Department.