



THE DEFENCE REGULATIONS 1972, AMENDMENT NO. 2

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 4th day of December 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 Defence Regulations 1972, Amendment No. 2, and shall be read together with and deemed part of the Defence Regulations 1972* (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. Grants on death of regular servicemen—The principal regulations are hereby amended by revoking regulation 4, and substituting the following regulation:

“4. (1) Where a regular serviceman dies during service, the Secretary of Defence may authorise the making of a grant—

“(a) To any dependant or dependants of the serviceman; or

“(b) In any case where it appears to the Secretary of Defence that the serviceman has no dependants, to his estate—

not exceeding in the aggregate the amount that, if the serviceman had taken the leave (other than leave granted as a terminal benefit) that he had accrued at the date of his death, he would have received in gross pay in respect of such leave.

“(2) Where a regular serviceman dies during service, the Secretary of Defence may also—

“(a) If death is not attributable to service in the Armed Forces, authorise the making of a grant to any dependant or dependants of the serviceman, not exceeding in the aggregate an amount equal to one-sixtieth of his gross annual pay at the date of his death for each whole year of service that he has completed; or

“(b) If death is attributable to service in the Armed Forces, authorise the making of a grant to any dependant or dependants of the serviceman, not exceeding in the aggregate either—

“(i) An amount equal to the gross pay that the serviceman would have received in terminal benefits if he had completed his engagement on the date of his death; or

“(ii) An amount equal to one-sixtieth of his gross annual pay at the date of his death for each whole year of service that he has completed—

whichever amount is the greater.

“(3) At any time before finally authorising the making of any grant under subclause (1) or subclause (2) of this regulation in respect of any serviceman to whom the subclause applies, the Secretary of Defence may authorise the making of an immediate interim advance, not exceeding \$70 in the aggregate, to any dependant or dependants of the serviceman. The interim advance shall be deducted from any grants that may be made to that dependant or those dependants under either of those sub-clauses.

“(4) Where a regular serviceman dies during service, the Secretary of Defence may also authorise a grant to the widow of the serviceman not exceeding his gross pay during any long service leave for which the serviceman has qualified, being leave that he has not taken and has not forfeited.”

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 provide, in place of the existing provisions in the principal regulations, for the payment of grants on the death of a serviceman to his widow, and to his dependants or to his estate.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 December 1978.

These regulations are administered in the Ministry of Defence.