

Serial Number **1950/215**

**THE EMERGENCY FORCE REGULATIONS 1950**

B. C. FREYBERG, Governor-General

PURSUANT to the Defence Act, 1909, the Governor-General doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Emergency Force Regulations 1950.

(2) These regulations shall come into force on the date of their notification in the *Gazette* :

Provided that, except as provided in regulation 20 hereof, every officer or soldier of the Emergency Force who served in that Force at any time after the 28th day of August, 1950, shall in respect of that service be entitled to pay and allowances at the rates and subject to the conditions prescribed by these regulations.

*Interpretation*

2. In these regulations, unless the context otherwise requires,—
- “ Army Board ” means the Army Board constituted under the Army Board Act, 1937 :
  - “ The Emergency Force ” means the force which has been raised under the provisions of Part I of the Emergency Forces Act, 1950 :
  - “ Non-commissioned officer ” means a soldier above the rank of private but below the rank of commissioned officer ; and includes a warrant officer :
  - “ Officer ” means any commissioned officer appointed under these regulations to the Emergency Force ; and includes any officer, whether of the New Zealand Naval Forces, the New Zealand Army, or the Royal New Zealand Air Force, posted, seconded, or attached thereto for service, but, unless expressly stated, does not include a woman :
  - “ Prescribed ” means prescribed by the Emergency Forces Act, 1950, or by these regulations, or by Army Orders issued under the authority of these regulations :
  - “ Rank ”, in relation to any officer or soldier, means the rank held by him for the time being :
  - “ Regular Force ” means the Permanent Force constituted under the Defence Act, 1909 :

“ Regular officer or soldier ” means an officer or soldier of the Regular Force :

“ Regular rank ” means rank held in the Regular Force :

“ Soldier ” means any person duly attested for service in the Emergency Force ; and includes a non-commissioned officer, and also includes a regular soldier attached for duty with the Emergency Force, but does not include an officer as defined by these regulations, or, unless expressly stated, a woman.

3. Except as herein expressly modified, these regulations shall apply with respect to—

- (a) Every officer or soldier of the Emergency Force :
- (b) Every regular officer or soldier who is for the time being attached to or seconded for service with the emergency force :
- (c) Every member of the New Zealand Naval Forces or the Royal New Zealand Air Force who is for the time being attached to or seconded for service with the Emergency Force :
- (d) Every representative of the Young Men’s Christian Association who is duly appointed for service with the Emergency Force.

#### PART I—OFFICERS AND SOLDIERS : APPOINTMENTS, PROMOTIONS, ETC.

4. The Governor-General may from time to time appoint to the Emergency Force such officers as he may deem necessary, and may also from time to time appoint an officer to be in command of that force, who, subject to the control and direction of the Army Board, shall have full power to command, organize, and administer that force.

5. The Army Board may from time to time issue Army Orders for the Emergency Force relating to—

- (a) The eligibility of any person for appointment to a commission :
- (b) The training and discipline of officers and soldiers :
- (c) The promotion, posting, transfer, secondment, or attachment of officers :
- (d) The enlistment, posting, promotion, transfer, secondment, attachment, reduction, reversion in rank, and discharge of soldiers :
- (e) Leave of officers and soldiers :
- (f) Any other matters for which Army Orders are deemed necessary or expedient in regard to the command and administration of the Emergency Force.

6. (1) Notwithstanding anything in the last preceding regulation, while the Emergency Force is serving outside New Zealand, the officer in command may—

- (a) Appoint any soldier to commissioned rank, and promote any officer to a temporary higher rank in that force :

Provided that every such appointment or promotion shall be subject to confirmation by the Governor-General and on confirmation shall be published in the *Gazette* ; and

- (b) Second or attach any officer or non-commissioned officer for duty to another force, or return to New Zealand any officer or soldier for discharge on account of wounds, sickness, or otherwise, or for duty in New Zealand.

(2) Whether the Emergency Force is serving within or outside New Zealand, the officer in command may—

- (a) Appoint, promote, or reduce in rank, any non-commissioned officer ; and
- (b) Delegate to the officer in command of a regiment or equivalent unit of the Emergency Force the power to appoint or promote any non-commissioned officer up to and including the rank of sergeant.

## PART II—PAY

### *Rates of Pay*

7. The following shall be the daily rates of pay for officers and soldiers of the Emergency Force :—

<i>Officers</i>				s.	d.
Brigadier	..	..	..	68	10
Colonel	..	..	..	57	10
Lieutenant-Colonel	..	..	..	47	10
Major	..	..	..	41	4
Captain	..	..	..	32	10
Lieutenant	..	..	..	26	6
2nd Lieutenant	..	..	..	25	0

### *Soldiers*

Warrant Officer, Class I	..	..	..	25	10
Warrant Officer, Class II	..	..	..	25	4
Staff Sergeant	..	..	..	24	10
Sergeant	..	..	..	22	10
Corporal	..	..	..	19	1
Lance Corporal	..	..	..	17	7
Private	..	..	..	15	0

### *Chaplains*

A Chaplain shall be entitled to pay and allowances in accordance with his equivalent Army rank.

### *Regular Officers and Soldiers Serving With the Emergency Force*

8. During the period a regular officer or soldier is posted for service with the Emergency Force,—

- (a) He shall continue to be entitled to his regular in-camp rate of pay, including increments in pay in his regular substantive rank, and any increase in pay in respect of promotion in regular rank ;
- (b) He shall be entitled, on being promoted to a rank in the Emergency Force higher than his regular rank, to receive Emergency Force rate of pay for such higher rank, or the in-camp rate of pay for his regular rank, whichever is the greater :

- (c) He shall, if holding the regular rank of 2nd lieutenant or lieutenant, receive not less than the Emergency Force rate of pay for rank :  
 Provided that, as a regular lieutenant, he shall be entitled to any increments and increases in pay as mentioned in paragraph (a) of this regulation :
- (d) He shall cease to be entitled to marriage, separation, and out-of-camp allowances, and shall receive, where applicable, wife allowance and subsistence allowance at the rates and subject to the conditions applicable to the Emergency Force :
- (e) He shall continue to be liable to pay his contributions to the Government Superannuation Fund, assessed on his regular rate of pay and allowances, including out-of-camp allowance, or the value of rations and quarters as applicable to the Regular Force :
- (f) He shall cease to be entitled to uniform upkeep allowance and to uniform outfit grant payable on proceeding overseas, and, in lieu thereof, shall receive a free issue of such items as may be necessary to bring the regular scale of clothing and necessaries up to the scale prescribed for the Emergency Force, and thereafter shall receive a free replacement issue from time to time as provided for that Force under regulation 24 hereof :
- (g) He shall, before being reposted to the Regular Force, be re-equipped with such items of Regular Force clothing and necessaries as the Army Board deems necessary.

#### *Social Welfare Workers*

9. Representatives of the Young Men's Christian Association who are duly appointed for service outside New Zealand with the Emergency Force shall, as from the date they are posted for service until the date they are struck off the strength of that Force, be entitled to the rates of pay, according to their respective appointments, of the under-mentioned Army ranks :—

Appointment.	Army Rank.
Orderly . . . . .	Private.
Field Secretary . . . . .	Sergeant.
Senior Field Secretary . . . . .	2nd Lieutenant.

#### *Pay While a Prisoner of War*

10. (1) An officer or soldier, while a prisoner of war, shall not forfeit his right to pay unless a Court of Inquiry assembled for the purpose declares that he was taken prisoner through his own neglect or misconduct.

(2) The adjustment of the pay accounts of officers or soldiers who are prisoners of war shall be made in such manner as the Minister from time to time directs.

*Continuance of Pay After Death*

11. (1) Where an officer or soldier serving outside New Zealand, not having been reported as dead, is reported as missing, or, not having been reported as missing, is reported as dead, his pay and allotments from pay shall continue for a period of three months following the date on which notification of the casualty is sent to the officer's or soldier's next of kin.

(2) Where an officer or soldier serving outside New Zealand has been reported as missing, and is subsequently reported as dead, or, not having been reported as a prisoner of war, is reported as having died while a prisoner of war, his pay and allotments from pay shall continue for a period of three months from the date on which notification of the fact that he is missing is sent to his next of kin, or from the actual date of death, whichever is the later date.

(3) Where an officer or soldier dies while serving in New Zealand, and his death is attributable to his service, his pay and allowances shall continue for the period, and subject, with any necessary modifications, to the conditions applicable in the case of an officer or soldier of the Regular Force.

(4) The payment of an officer's or soldier's allotment to a dependant during any period of three months under this regulation shall not be affected by the death or remarriage or change of circumstances of the dependant during that period.

(5) Nothing in this regulation shall be deemed to affect the right to pay of an officer or soldier who, having been posted as missing or dead, is subsequently found to be alive.

*Forfeiture of Pay*

12. (1) A soldier, while serving outside New Zealand, shall forfeit his gross pay for—

(a) Every day he is absent without leave :

Provided that—

(i) Payment of an amount equivalent to the soldier's allotment to his wife, and payment of an amount equivalent to his allotment to a dependant other than his wife but not exceeding the minimum allotment to a wife, shall be made from the date of that absence until fourteen days after the date of receipt of notification of that absence in New Zealand, and shall not be recovered from the soldier ; and

(ii) Payment of an amount equivalent to the soldier's allotments other than to a dependant, shall be made for a period not exceeding twenty-one days from the date of that absence and shall be recovered from the soldier :

(b) Every day he is posted as a deserter :

Provided that—

(i) Where he is posted as a deserter following a period of absence without leave, payments which are being made in accordance with paragraph (a) of this subclause shall continue as if he had not been posted as a deserter ; and

(ii) Where he is posted as a deserter for reasons other than because he has been absent without leave, payment of equivalent amounts as specified in subparagraph (i) of paragraph (a) only of this subclause shall be made in respect of the soldier's allotment to his wife or other dependant :

(c) Every day for which he is awarded a forfeiture of pay, whether in conjunction with any other sentence or not :

Provided that payment of equivalent amounts as in paragraph (a) of this subclause shall be made from the effective date of that forfeiture :

(d) Every day he is undergoing sentence of imprisonment :

Provided that—

(i) Payment of equivalent amounts, as specified in subparagraph (i) of paragraph (a) only of this subclause, shall be made as from the date of imprisonment in respect of his allotment to his wife or other dependant :

(ii) Where the imprisonment is on account of desertion, any payments shall be in accordance with paragraph (b) of this subclause.

(2) A soldier who is serving outside New Zealand and is sentenced to detention or field punishment shall forfeit from his net pay a sum of 5s. for each day of detention or field punishment awarded.

(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, a soldier while serving outside New Zealand shall not forfeit any pay or allowances for any period during which he is awaiting trial.

**13.** (1) A soldier while serving in New Zealand shall forfeit his gross pay for—

(a) Every day he is absent without leave :

(b) Every day he is posted as a deserter :

(c) Every day for which he is awarded a forfeiture of pay, whether in conjunction with any other sentence or not :

(d) Every day of imprisonment.

(2) A soldier who, while serving in New Zealand, is sentenced to detention, shall forfeit from his net pay a sum of 5s. for each day of detention awarded.

**14.** (1) The provisions of paragraphs (a) and (b) of subclause (1) of regulation 12 hereof, subclause (3) of regulation 12 hereof, and paragraphs (a) and (b) of subclause (1) of regulation 13 hereof shall, with the necessary modifications, apply to officers.

(2) An officer shall also forfeit his gross pay for every day from the date he is sentenced to be cashiered until the date the sentence becomes effective on promulgation :

Provided that payment of equivalent amounts as provided in subparagraph (i) of paragraph (a) of subclause (1) of regulation 12 hereof shall be made from the date the sentence is awarded until it so becomes effective.

*Allotments From Pay*

15. (1) Except as may otherwise be directed by the Minister or by a person authorized by the Minister in that behalf, every officer or soldier shall, from and including the day on which he comes on pay under these regulations,—

(a) If unmarried, allot from his pay to a special Post Office Savings Bank Account to be opened in his name by the Army Department the daily amount, in accordance with his rank, specified below :—

Rank.			Allotment.
			s. d.
Private	}	and equivalent	.. .. 5 0
Lance Corporal			
Corporal	}	and equivalent	.. .. 6 0
Sergeant			
Staff Sergeant			
Warrant Officer, Class I			
Warrant Officer, Class II	}	and equivalent	.. .. 6 0
2nd Lieutenant			
Lieutenant			.. .. 7 0
Captain and equivalent			.. .. 8 0
Major and equivalent			.. .. 9 0
Lieutenant-Colonel and above			

(b) If married, allot from his pay the amount in accordance with his rank, specified in paragraph (a) of this subclause, plus the amount of wife allowance payable to him under regulation 16 or regulation 17 hereof, as the case may be :

Provided that an officer or soldier to whom a wife allowance is payable under regulation 16 hereof shall, in any case, allot to his wife a sum of not less than 12s. a day (including the amount of that wife allowance), and an officer or soldier to whom a wife allowance is payable under regulation 17 hereof shall allot to his wife not less than the qualifying allotment specified therein.

(2) Where the allotment of a married officer or soldier under paragraph (b) of subclause (1) of this regulation is in excess of the minimum allotment therein provided, the amount in excess of 12s. a day may, at the election of the officer or soldier, be paid into the special Post Office Savings Bank Account referred to in paragraph (a) of subclause (1) of this regulation, or to any of the persons or institutions mentioned in the next succeeding subclause.

(3) An officer or soldier may, in addition to the compulsory allotment from his pay required by subclause (1) of this regulation, make a voluntary allotment from his pay of a sum, being a multiple of 1d. a day, to a person wholly or partly dependent on him, or to a relative (whether by blood, marriage, or adoption), or to a trustee, attorney, responsible agent for business purposes, bank, insurance company or society, financial institution, Government Superannuation Fund, or to a National Savings Account :

Provided that the total deductions from his pay, including allotments, shall not be such as to prevent the officer or soldier from drawing in cash less than 5s. a day net pay.

(4) Where an officer or soldier is serving outside New Zealand and fails to make a voluntary allotment to meet the amount he is obliged by Court order or written agreement to pay to a dependent other than his wife, the Minister may direct that a compulsory allotment be made for that purpose, not exceeding in any case the sum of 12s. a day.

(5) An officer or soldier shall not alter or vary any allotment made, or make any allotment not authorized by these regulations, without the approval of the Minister, or a person authorized by the Minister in that behalf.

### PART III—ALLOWANCES

#### *Wife Allowance*

16. A married officer or soldier who is living in normal domestic relationship with his wife shall, on making the allotment from his pay prescribed by paragraph (b) of subclause (1) of regulation 15 hereof, be paid a wife allowance at the rate of 6s. a day.

17. (1) A married officer or soldier who is living apart from his wife and is required by Court order or written agreement to contribute to her maintenance shall make such allotment to his wife as may be directed by the Army Secretary, and, according to the amount of that allotment, shall be paid a wife allowance at the following scale:—

Qualifying Allotment (Per Day, Including Wife Allowance Payable).				Wife Allowance (Per Day.)	
s.	d.	s.	d.	s.	d.
9	0 and over	..	..	..	3 0
8	6 and under	9	0	..	2 9
8	0	..	8 6	..	2 6
7	6	..	8 0	..	2 3
7	0	..	7 6	..	2 0
6	6	..	7 0	..	1 9
6	0	..	6 6	..	1 6
5	6	..	6 0	..	1 3
5	0	..	5 6	..	1 0
4	6	..	5 0	..	0 9
4	0	..	4 6	..	0 6
3	6	..	4 0	..	0 3
	Under	3	6	..	Nil

(2) A married officer or soldier who is living apart from his wife and has voluntarily undertaken to contribute to her maintenance may, on making an allotment to his wife in accordance with that undertaking, be paid with the approval of the Army Secretary a wife allowance at the scale set out in subclause (1) of this regulation.

18. Where the marital status of a married officer or soldier has undergone any change after he has commenced service in the Emergency Force he shall immediately give notice of the change and the nature and circumstances thereof through his commanding officer, and thereupon the wife allowance theretofore paid to the officer or soldier shall cease as from the date of the change, and any future allotment to his wife and wife allowance payable to him in accordance therewith shall be as directed by the Minister or a person authorized by the Minister in that behalf.



*Domestic Allowance*

19. (1) An officer or soldier who is a widower, or who is divorced or is separated from or has been deserted by his wife, and has a dependent child in his custody for whom he actually maintains a home and employs some person to look after the child, or who fully maintains the child elsewhere than in his own home, may, subject to the approval of and to such conditions as may be imposed by the Army Secretary, be paid a domestic allowance not exceeding, together with any wife allowance payable under regulation 17 hereof, the sum of 3s. a day.

(2) Where such an officer or soldier as is mentioned in the last preceding subclause is obliged by Court order or written agreement to maintain his child he shall make such allotment for the benefit of the child as the Army Secretary directs, and, according to the amount of that allotment, may be paid such domestic allowance as the Army Secretary determines, but not exceeding, together with any wife allowance payable under regulation 17 hereof, the sum of 3s. a day.

*Special Allowance for Medical and Dental Officers*

20. A medical or dental officer shall, from and after the 1st day of December, 1950, be entitled to a special allowance of an amount equal to the difference between his pay for rank in the Emergency Force and the amount payable for the time being to an unmarried regular medical or dental officer, as the case may be, of the like rank living in camp.

*Subsistence Allowance*

21. An officer or soldier, whether within or outside New Zealand, who is on leave with pay, or on sick leave not occasioned by his own misconduct or neglect, for a period of not less than seventy-two hours, shall, while not rationed and quartered, be paid a subsistence allowance of 4s. 6d. a day.

*Mess Allowance*

22. An officer or soldier, while attached or seconded to any other force shall be entitled to such special mess allowance as the Minister from time to time, with the approval of the Minister of Finance, determines.

*Travelling Allowance and Expenses*

23. (1) An officer or soldier travelling on duty in New Zealand shall be entitled to travelling allowance or expenses in accordance with the rates and subject to the conditions prescribed for the Regular Force.

(2) An officer or soldier travelling on duty outside New Zealand shall be entitled to travelling allowance or expenses in accordance with the rates and subject to such conditions as the Minister, with the approval of the Minister of Finance, determines.

*Mufti Allowance*

24. An officer or soldier, on being discharged from the Emergency Force, or on being placed on indefinite leave without pay, may be paid a mufti allowance at the rates, and subject to such conditions as the Minister with the approval of the Minister of Finance, determines.

*Clothing and Necessaries*

**25.** (1) Subject to the provisions of paragraphs (f) and (g) of regulation 8 hereof, every officer or soldier shall receive an initial free issue of clothing and necessaries, which shall be maintained by free replacement issues as from time to time necessitated by fair wear and tear.

(2) Where any clothing or necessaries of an officer or soldier are lost or damaged, and the loss or damage is proved to have been due to his service, he shall be entitled to free replacement issues.

PART IV—EXCESS PAYMENTS

**26.** (1) Every person who in New Zealand or elsewhere knowingly makes a false statement or withholds any required information for the purpose of obtaining payment of any amount by way of pay or allowances under these regulations, whether as the dependant of an officer or soldier or otherwise, shall be liable on summary conviction to a fine not exceeding £10.

(2) In any prosecution for an offence under this regulation the burden of proving that any such statement was not false and was not knowingly made or that any such information was not knowingly withheld shall be on the accused.

**27.** (1) If any amount in respect of pay or allowances is paid to any officer or soldier in excess of the amount to which he is entitled under these regulations, the amount so paid in excess may be recovered from any payments payable or becoming payable to him or may be recovered as a debt due to the Crown at the suit of the appropriate paying authority.

(2) If any amount in respect of pay or allowances is paid to a dependant of any officer or soldier or to any other person for the time being entitled to receive the same, in excess of the amount to which that dependant or other person is entitled under these regulations, the amount so paid in excess or any part thereof may be recovered from the dependant or other person or, if the Minister so directs, from the officer or soldier out of any payments payable or becoming payable, or may be recovered as a debt due to the Crown at the suit of the appropriate paying authority.

PART V—LEAVE

*Interpretation*

**28.** For the purposes of this Part of these regulations, unless the context otherwise requires, “*bona fide home*” means—

- (a) In the case of a married officer or soldier living in normal domestic relations with his wife, the residence of his wife; or
- (b) In the case of an officer or soldier who is a widower, or who is divorced or separated from his wife and has the custody of, and maintains a home for, his children, the residence of the children; or
- (c) In the case of—

- (i) An unmarried officer or soldier, or an officer or soldier mentioned in paragraph (b) of this regulation who has no children in his care or custody, the residence of his parents or, where not applicable, the place of his enlistment; or

- (ii) An unmarried officer or soldier who is appointed or enlists outside New Zealand, such place in New Zealand as is first nominated by him.

### *Classification of Leave*

**29.** (1) Leave for an officer or soldier is hereby classified as follows: annual leave; overseas drafting leave; overseas leave; compassionate leave; urgent private business leave; sick leave; and discharge leave.

(2) All leave shall be inclusive of Sundays but exclusive of any statutory holidays falling within the period of leave, and shall be on full pay and allowances.

### *Annual Leave*

**30.** (1) An officer or soldier, whether serving within or outside New Zealand, shall be granted annual leave for a period of twenty-four days:

Provided that for any period of service of less than twelve months, annual leave shall be granted on the basis of two days for each month of service.

(2) Where an officer or soldier is serving outside New Zealand annual leave shall be accumulated, and shall be taken on his return to New Zealand:

Provided that in no case shall an officer or soldier be granted under this subclause more than ninety-one days' leave, inclusive of overseas leave, or, where his service outside New Zealand is less than six months, less than fourteen days' leave.

(3) An officer or soldier, while serving in New Zealand, shall be entitled to two return travel warrants a year to his *bona fide* home.

### *Overseas Drafting Leave*

**31.** An officer or soldier, before proceeding outside New Zealand, shall, subject to the exigencies of the service, be granted seven days overseas drafting leave, plus full travelling time and a return travel warrant to his *bona fide* home.

### *Overseas Leave*

**32.** (1) Subject to subclause (2) of regulation 30 hereof, an officer or soldier serving outside New Zealand shall on return to New Zealand be granted overseas leave calculated on the basis of one day for each two months of that service.

(2) An officer or soldier who is granted leave under this regulation shall be entitled to a travel warrant to his *bona fide* home.

### *Compassionate Leave*

**33.** (1) An officer or soldier, while serving in New Zealand, may be granted compassionate leave for a period of three days plus full travelling time in the following circumstances:—

(a) On the death, or serious illness of, his father, mother, wife, child, brother, or sister:

(b) On the confinement of his wife.

(2) An officer or soldier to whom compassionate leave has been granted shall be entitled to a return travel warrant in conjunction therewith.

*Urgent Private Business Leave*

**34.** An officer or soldier, not being an officer or soldier of the Regular Force, may be granted leave for urgent private business for a period of three days, plus full travelling time.

*Sick Leave*

**35.** (1) An officer or soldier who while serving in New Zealand becomes unfit for duty because of sickness shall be granted sick leave until he returns to duty :

Provided that he shall be liable to be medically surveyed or medically boarded at least once a month, and if it is found that he is not likely to become fit for duty within six months, he shall be discharged on such conditions as may be prescribed.

(2) Where any such officer or soldier becomes unfit for duty on account of sickness caused through his misconduct, sick leave (if any) shall be for such period and on such conditions as the Adjutant-General directs.

*Discharge Leave*

**36.** An officer or soldier, not being an officer or soldier of the Regular Force, who is serving in New Zealand, shall on discharge be granted seven days' discharge leave (exclusive of any annual leave due), together with a travel warrant to his *bona fide* home.

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As witness the hand of His Excellency the Governor-General, this 6th day of December, 1950.

T. L. MACDONALD,  
Minister of Defence.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 7th day of December, 1950.  
These regulations are administered in the Army Department.