

Serial Number **1953/149**

## THE EMERGENCY FORCES REHABILITATION REGULATIONS 1953

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington, this 4th day of November 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Forces Rehabilitation Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. These regulations may be cited as the Emergency Forces Rehabilitation Regulations 1953.
2. (1) In these regulations, unless the context otherwise requires,—
  - “Board” means the Rehabilitation Board established under Part I of the Rehabilitation Act 1941:
  - “Director” means the Director of Rehabilitation:
  - “Discharged serviceman” means a serviceman who, whether before or after the commencement of these regulations, has lawfully ceased to serve as a serviceman:
  - “Emergency” means—
    - (a) Any emergency arising out of the obligations undertaken by New Zealand in the Charter of the United Nations:
    - (b) The emergency in Malaya:
  - “Emergency force” means any naval, military, or air force raised in New Zealand for the purposes of an emergency:
  - “Minister” means the Minister of Rehabilitation:
  - “Serviceman” means any person who has at any time after the 23rd day of August 1950, whether before or after the commencement of these regulations,—
    - (a) Served in or outside New Zealand as a member of an emergency force; or

(b) Served in or outside New Zealand as a member of the naval, military, or air forces of New Zealand (otherwise than as a member of an emergency force) during and in connection with an emergency; or

(c) While ordinarily resident in New Zealand, served outside New Zealand as a member of the naval, military, or air forces of any other part of the Commonwealth during and in connection with an emergency:

“Serviceman’s widow” means the widow of any serviceman who has died, whether before or after the commencement of these regulations, if his death occurred while he was serving, or was attributable directly or indirectly to his service.

(2) For the purposes of these regulations the date of the discharge of a discharged serviceman shall be the date when he lawfully ceased to serve as a serviceman.

(3) The widowed mother of a serviceman who has died, whether before or after the commencement of these regulations, shall be qualified to receive the same assistance, financial or otherwise, under these regulations as if she were a serviceman’s widow, if—

(a) The serviceman’s death occurred while he was serving, or was attributable directly or indirectly to his service; and

(b) The mother has been a widow continuously since the date of the serviceman’s discharge or since the date of his death, whichever happens first.

(4) If any discharged serviceman is, as a direct or indirect result of his service, totally incapacitated for work, his wife shall be qualified to receive the same assistance, financial or otherwise, under these regulations as if she were a serviceman’s widow.

(5) The child of any serviceman who—

(a) Has died, whether before or after the commencement of these regulations, if his death occurred while he was serving, or was attributable directly or indirectly to his service; or

(b) Being a discharged serviceman, is, as a direct or indirect result of his service, totally incapacitated for work,—

shall be qualified to receive the same assistance, financial or otherwise, under these regulations as if the child were a discharged serviceman.

(6) For the purposes of these regulations the term “child” includes a stepchild, an adopted child, and an illegitimate child.

3. (1) In addition to its other functions, the Board shall have the following general functions under these regulations—namely, to promote and to organize the making of, and if necessary to make, every such provision as it may deem necessary and practicable for the establishment in civil life of discharged servicemen and of servicemen’s widows and for the purpose of enabling those persons to establish themselves in civil employment or occupation, and the Board shall co-ordinate and use the services available in Departments of State and elsewhere for the carrying out of its functions under these regulations.

(2) The Board may exercise in respect of any serviceman such of its functions and powers under these regulations as it thinks fit, in all respects as if the serviceman were a discharged serviceman.

(3) In the exercise of its powers and functions under these regulations, the Board shall have regard to any representations that may be made by the Minister in respect thereof, and shall give effect to any decision of the Government in relation thereto conveyed to the Board in writing by the Minister.

4. Without limiting the generality of regulation 3 hereof, the Board shall, subject to the provisions of these regulations, have the following powers and functions, namely:

- (a) To determine from time to time the nature and extent of the assistance that may be granted to any class or classes of servicemen or persons qualified to receive assistance under these regulations, and the purposes for which, and the terms and conditions on, or subject to which, the assistance may be granted:
- (b) To approve the granting of assistance of any kind or amount to servicemen or persons qualified to receive assistance under these regulations in special cases, for special purposes, or on or subject to special terms and conditions not covered by general determinations under paragraph (a) of this regulation.

5. (1) Subject to the provisions of these regulations, the Board may purchase any stock, furniture, tools of trade, shares, or other property or rights of any nature whatsoever, and may dispose of the same to or for the benefit of discharged servicemen or servicemen's widows by way of sale or under hire purchase agreement, or may deliver possession of the same to or for the benefit of discharged servicemen or servicemen's widows, whether by way of bailment, licence, or otherwise howsoever.

(2) For the purposes of any hire purchase agreement entered into pursuant to these regulations, the Board or any agency acting on behalf of the Board shall be deemed to be a finance corporation within the meaning of section 2 of the Chattels Transfer Amendment Act 1931.

6. (1) The Board may also, subject to the provisions of these regulations, grant financial assistance to discharged servicemen or to servicemen's widows by way of loans, secured or unsecured, for the purpose of establishing them in civil life or for the purpose of enabling them to establish themselves in civil employment or occupation.

(2) Subject to the provisions of these regulations, the Board may make grants to discharged servicemen during any periods while they may be undergoing any course of training or study to fit themselves for civil employment or occupation or while they may be unemployed for any reason whatsoever.

7. Subject to the provisions of these regulations, the Board may promote, organize, establish, and carry on schemes or institutions for the educational, industrial, or vocational training of discharged servicemen, and for the care and maintenance of discharged servicemen, who by reason of wounds or disease incurred during their service are wholly or partially disabled.

8. Subject to the provisions of these regulations, the Board may grant financial assistance to servicemen for the purpose of enabling them to meet the following obligations, that is to say:

- (a) Rent:
- (b) Interest payable in respect of loans or mortgages or in respect of agreements for the purchase of a dwellinghouse or business premises:
- (c) Interest and instalments payable in respect of agreements for the purchase of furniture or other chattels:
- (d) Rates and taxes:
- (e) Insurance premiums:
- (f) Other necessary or reasonable expenses, not being expenses incurred in the purchase of property.

9. (1) Any moneys required for the administration of these regulations and any moneys expended or advanced by or on behalf of the Board under these regulations may be paid out of moneys to be appropriated by Parliament for the purpose.

(2) The Board may arrange with any agency acting on behalf of the Board for the agency to make assistance under these regulations available by way of loans out of the agency's own funds. In any such case the Board may undertake to reimburse the agency, out of moneys appropriated by Parliament, in respect of any losses or in respect of any concessions granted by the Board with the general approval of the Minister of Finance.

(3) Any moneys advanced to the State Advances Corporation of New Zealand for the purpose of making loans under the Rehabilitation Act 1941 and any moneys received by the Corporation in repayment of loans granted under that Act may be used by the Corporation for the purpose of making loans under these regulations.

(4) Any moneys received by any agency acting on behalf of the Board in repayment of loans granted under these regulations may be used by the agency for the purpose of making further loans under these regulations.

(5) To the extent that any moneys so received are not required for the purposes aforesaid, they shall be paid into the Public Account for application as the Minister of Finance may direct.

10. (1) Subject to the provisions of these regulations, the provisions of Part I of the Rehabilitation Act 1941, and of the amendments thereof, including in particular section 17 of the Rehabilitation Amendment Act 1944 and section 59 of the Finance Act (No. 2) 1948, shall, as far as they are applicable and with the necessary modifications, apply as if the functions and powers of the Board under these regulations were functions and powers of the Board under the said Part I.

(2) Nothing in this regulation shall be construed to make any person who is a serviceman or a discharged serviceman under these regulations a serviceman or a discharged serviceman within the meaning of Part I of the Rehabilitation Act 1941.

(3) Subject to the provisions of these regulations, the Rehabilitation (Stamp Duties and Registration Fees) Regulations 1944\* (including all regulations at any time made in amendment or substitution thereof) shall, as far as they are applicable and with the necessary modifications, apply with respect to financial assistance granted under these regulations or granted by the Board under any other Act or regulations to a serviceman or discharged serviceman within the meaning of these regulations.

11. (1) The regulations specified in the Schedule to these regulations are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

\* Statutory Regulations 1944, Serial number 1944/82, page 231.  
Amendment No. 1: Statutory Regulations 1952, Serial number 1952/25, page 71.

## SCHEDULE

## REGULATIONS REVOKED

- THE Emergency Forces Rehabilitation Regulations 1951 (Serial number 1951/152).  
The Emergency Forces Rehabilitation Regulations 1951, Amendment No. 1 (Serial number 1952/26).

T. J. SHERRARD,  
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 re-enact the Emergency Forces Rehabilitation Regulations 1951 (as amended by Serial number 1952/26) so as to make them apply to service in Malaya as well as to service in Korea.

The regulations provide for the rehabilitation of discharged servicemen who have served in any New Zealand emergency force or in any other New Zealand force in connection with a United Nations emergency, or the Malayan emergency, or who, while ordinarily resident in New Zealand, have served outside New Zealand in any Commonwealth force in connection with such an emergency.

The regulations extend to the widows, widowed mothers, and children of servicemen, and also make provisions for the financial assistance of servicemen while serving.

The Rehabilitation Board is to determine the nature and extent of the assistance to be granted in each case, within the limits prescribed in the regulations.

The general provisions of Part I of the Rehabilitation Act 1941, and its amendments as to the Board and its powers are to apply except so far as they are inconsistent with the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 November 1953.

These regulations are administered in the Rehabilitation Department.