

Serial Number 1941/219.



THE HOME DEFENCE PAY AND ALLOWANCES EMERGENCY REGULATIONS 1941.

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of November, 1941.

Present :

THE HON. W. NASH 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.

PART I.—PRELIMINARY.

SHORT TITLE.

1. These regulations may be cited as the Home Defence Pay and Allowances Emergency Regulations 1941.

ARRANGEMENT.

2. These regulations are arranged as follows :—

Part I.—Regulation 1 to Regulation 4: Preliminary.

Part II.—Regulation 5 to Regulation 17: Pay.

Part III.—Regulation 18 to Regulation 26: Allowances.

Part IV.—Regulation 27 to Regulation 30: Pay and Allowances, General.

DATE OF COMING INTO FORCE.

3. These regulations shall be deemed to have come into force on the 25th day of November, 1941.

DEFINITIONS.

4. (a) "Member" means and includes an officer, warrant officer, non-commissioned officer, and soldier and personnel of the New Zealand Army Nursing Service (excluding a member of the Regular Force who receives pay at Regular Force rates, and excluding a member of the Second New Zealand Expeditionary Force) on full-time service in New Zealand in the Defence Forces.

"Regular Force" means the Permanent Force embodied in pursuance of section 14 of the Defence Act, 1909.

"Second New Zealand Expeditionary Force" means the Second New Zealand Expeditionary Force established under the Expeditionary Force Emergency Regulations 1940,* and includes any section thereof now or hereafter established.

"Minister" means the Minister of Defence.

(b) All other terms used in these regulations shall have the meaning assigned to them in the Defence Act, 1909, and regulations made thereunder.

PART II.—PAY.

DAILY RATES OF PAY: HOME DEFENCE.

5. The pay of a member serving in New Zealand shall be at the daily rates set out below:—

	s.	d.
Colonel	25	0
Lieutenant-Colonel	21	0
Major	18	0
Captain	16	0
Lieutenant	14	0
2nd Lieutenant	13	0
Warrant Officer, 1st Class (Regimental Sergeant-Major, &c.)	11	0
Warrant Officer, 2nd Class (Regimental and Staff Quartermaster-Sergeant, and Quartermaster-Sergeant, Artillery)	10	0
Warrant Officer, 2nd Class (Squadron, Battery, or Company Sergeant-Major)	10	0
Company Quartermaster-Sergeant and Staff Sergeant	9	0
Sergeant	8	6
Bombardier and Corporal	8	0
Lance-Bombardier and Lance-Corporal	7	6
Private	7	0
New Zealand Army Nursing Service—		
Matron-in-Chief	19	0
Principal Matron	17	0
Matron	15	0
Charge Sister	13	0
Sister (after two years' service)	11	0
Sister (less than two years' service)	9	0

* Statutory Regulations 1940, Serial number 1940/1, page 1.

Amendment No. 1: Statutory Regulations 1941, Serial number 1941/9, page 17.

EXTRA-DUTY PAY OF COOKS AND TRADESMEN'S PAY.

6. (1) The extra-duty pay of a member while carrying out the duties of cook shall be 2s. 6d. per day.

(2) A lance-corporal or soldier carrying out the duty of armourer, artificer, baker, bootmaker, butcher, dental mechanic, draughtsman, driver-mechanic, electrician, engine-driver, farrier, fitter, instrument mechanic, motor mechanic, orderly-room clerk, saddler, shoeing-smith, wheeler shall receive, in addition to ordinary pay, tradesmen's pay at the rate of 1s. a day :

Provided that the number of lance-corporals or soldiers receiving tradesmen's pay shall not exceed that prescribed in the establishment of the member's unit.

(3) A lance-corporal or soldier carrying out the duty of nursing orderly in connection with the treatment of venereal disease shall receive extra-duty pay of 1s. a day.

(4) A lance-corporal who while carrying out any of the special duties named in clause (2) or clause (3) hereof is promoted to corporal and who thereafter continues to carry out such special duty shall receive total pay of at least 8s. 6d. a day.

LEAVE WITHOUT PAY.

7. The Minister or any person authorized by him in that behalf may at any time or from time to time place any member on or grant any member, leave without pay.

PAY ON SPECIAL LEAVE.

8. (1) On account of the death or the serious illness of a parent or the wife or a child of a member serving in New Zealand a Camp Commandant may, upon the recommendation of a Unit Commander, grant to such member leave of absence on full pay for any period not exceeding seven days.

(2) To enable a member serving in New Zealand to give attention to urgent personal business a Camp Commandant may, upon the recommendation of a Unit Commander, grant to such member leave of absence for any period not exceeding seven days.

During such leave, unless otherwise directed by the Minister, the unallotted pay of the member shall cease and the allotted pay shall continue to be paid.

PAY DURING CONVALESCENT LEAVE.

9. Where a member is granted a definite period of sick-leave he shall be entitled to full pay of rank for the period of such leave.

PAY DURING PRIVILEGE AND SICK LEAVE PRIOR TO DISCHARGE.

10. Where a member is discharged from hospital on the ground that he is medically unfit he may be granted fourteen days' privilege leave on full pay of rank.

PAY WHILE A MEMBER IS IN MILITARY HOSPITAL FOR VENEREAL DISEASE.

11. For each day that a member is undergoing military hospital treatment for venereal disease the sum of 2s. shall be deducted from his pay, provided that—

- (a) The medical officer may at his absolute discretion, taking into consideration the circumstances of the case, direct that the deduction shall be 1s. per day; and
- (b) Where the member having on enlistment been pronounced by a medical board as free from venereal disease, suffers during the period of his service a recrudescence of venereal disease contracted before enlistment, and the medical officer certifies that the recrudescence has been brought about by conditions of service, and the member's commanding officer concurs, no deduction shall be made from the member's pay.

PAY OF ACTING RANK AND TEMPORARY RANK.

12. (1) A member holding an acting rank shall not be entitled to the pay and allowances of such rank, but shall continue to draw the pay and allowances prescribed for his substantive rank.

(2) A member holding a temporary rank shall, while he is actually performing the duties appertaining to such rank, be entitled to receive pay and allowances at the rate prescribed for the substantive rank equivalent to such temporary rank.

ALLOTMENT OF PAY.

13. Except as otherwise directed by the Minister, every member not being a member of a Territorial unit carrying out intensive training shall allot from his pay an amount as follows:—

Married member without children: To his wife, not less than 3s. a day;

Married member with one child: To his wife, not less than 3s. 6d. a day:

Married member with two or more children: To his wife, not less than 4s. a day:

Unmarried member: To *either* a person wholly or partly dependent on him *or* to a post office savings-bank account in the member's name, not less than 2s. a day.

ALLOTMENT OF PAY: MAXIMUM ALLOTMENT.

14. No member shall, except as otherwise directed by the Minister or by any person authorized by the Minister in that behalf, allot from his pay any sum which will preclude the member from drawing for himself at least 2s. a day pay.

ALLOTMENT OF PAY : VARIATION AND PROHIBITION.

15. (1) No member shall, save with the approval of the Minister or any person authorized by the Minister in that behalf, alter or vary any allotment of pay.

(2) The Minister shall have power to prohibit the making of an allotment of pay or part of an allotment or to direct that a member shall make an allotment of pay less or more than that prescribed by Regulation 13.

ALLOTMENT OF PAY : GENERAL.

16. Except as otherwise provided by these regulations or as otherwise approved by the Minister, any member may allot any sum from his pay in favour of a person wholly or partly dependent on him or to a post office savings-bank account which will be opened at the Chief Post-office, Wellington.

DEDUCTION FROM PAY.

17. There may be deducted from the pay of any member from time to time such sum or sums as the Minister thinks necessary—

(a) For the support of any person who in the opinion of the Minister is wholly or partly dependent upon, or has a claim for maintenance, against the member; and all sums so deducted may, as the Minister thinks fit, be paid to the dependent person or to some one else on the dependent person's behalf and for the dependent person's benefit; or

(b) For any other special purpose approved by the Minister :

Provided that the amount deducted shall not preclude the member from drawing at least 2s. per day for himself.

PART III.—ALLOWANCES.

PROFESSIONAL ALLOWANCE.

18. A professional allowance at the rate of 10s. a day shall be paid to a duly qualified Medical Officer, Dental Officer, and Veterinary Officer.

CAMP ALLOWANCE.

19. While he is on duty at a camp, fort, or station where he is receiving rations, an officer, a warrant officer, and non-commissioned officer above the rank of sergeant shall be paid daily camp allowance as follows :—

Rank or Appointment.	s.	d.
Colonel	5 0
Lieutenant-Colonel	5 0
Major	4 0
Captain, Lieutenant, 2nd Lieutenant, members of New Zealand Army Nursing Service	..	3 0
Warrant Officer	} 1 6
Non-commissioned officer above sergeant	..	

SUBSISTENCE ALLOWANCE.

20. (1) Every member shall, where he is not provided with rations and quarters and so long as he is entitled to pay or allotted pay only, be paid a subsistence allowance of 2s. 6d. a day. A subsistence allowance shall not be paid where a member is absent for a period of less than forty-eight hours.

(2) Where a member is serving in an isolated or inaccessible station the subsistence allowance prescribed by clause (1) of this regulation may, with the approval of the Minister, be increased to 3s. 6d. a day.

OUTFIT GRANT.

21. To an officer, and to a member of the New Zealand Army Nursing Service, there shall be paid a uniform outfit grant as follows:—

To an officer; and to a member of the New Zealand Army Nursing Service on first appointment ..	£	s.	d.
	25	0	0
To an officer; and to a member of the New Zealand Army Nursing Service on the active list who has previously received a uniform outfit grant of £10 or £17 where his unit has been authorized to wear the blue uniform	15	0	0
To an officer; and to a member of the New Zealand Army Nursing Service transferred from the Reserve or re-appointed from the Retired List—	15	0	0

Plus £2 for each year (but not exceeding five years in all) he has spent on the Reserve or Retired List, as the case may be.

OUTFIT-UPKEEP ALLOWANCE.

22. To an officer, and to a member of the New Zealand Army Nursing Service, receiving pay at Home Defence rates there shall be paid an annual outfit-upkeep allowance of £10, payable by equal quarterly instalments of £2 10s., the first instalment being payable three months after the officer, or the member, joins his unit.

EXPENDITURE OF OUTFIT AND UPKEEP ALLOWANCE.

23. Out of the outfit grant and upkeep allowance an officer and a member of the New Zealand Army Nursing Service shall provide and maintain all necessary clothing and personal equipment except field glasses, prismatic compass, and revolver.

FREE ISSUES OF CLOTHING AND EQUIPMENT TO OTHER RANKS.

24. Warrant officers, non-commissioned officers, and soldiers shall receive a free issue of clothing and equipment.

REPLACEMENT OF CLOTHING AND EQUIPMENT.

25. In the event of an officer or other rank losing or damaging any portion of his clothing or personal equipment whilst on service, and such loss or damage is proved to the satisfaction of his Commanding Officer to have taken place in the course of duty, free replacements may be made.

DEPENDANTS' ALLOWANCES.

26. (1) Such sum as the Minister may determine, but in no case exceeding the amount set out hereunder, may be paid by way of allowance (in these regulations referred to as a dependant's allowance) to any person who in the opinion of the Minister is wholly or partly dependent upon or has a claim for maintenance against a member :—

Person Dependent.	Allowance (Daily Payment).
<p>(a) <i>Wife of member</i> (including a woman with whom an unmarried member had been living for a year immediately prior to the member's commencement of service, and who had been, during that time, publicly represented as his wife)</p> <p><i>Guardian of member's child</i> under sixteen years of age</p>	<p>3s.</p>
<p>(b) <i>Wife</i> (as defined in subclause (a)) of member having one or more children under sixteen years of age</p> <p><i>Divorced Wife</i></p>	<p>1s.: Provided that where a child is attending day school the Minister or any person authorized by the Minister in that behalf, shall have power to extend the period during which the allowance is payable until such child reaches the age of eighteen years.</p>
<p>(c) <i>Child</i> (including a step child, adopted child, and illegitimate child)</p>	<p>1s. 6d. for each child (not exceeding five in all) under the age of sixteen years: Provided that where a child is attending day school the Minister, or any person authorized by the Minister in that behalf, shall have power to extend the period during which the allowance is payable on behalf of that child until such child reaches the age of eighteen years.</p>
<p>(d) <i>Dependent Mother</i></p> <p>(e) <i>Divorced Wife</i> (whom the member is obliged by agreement or Court order to maintain)</p>	<p>1s. 6d.</p> <p>3s.</p>
<p>(f) <i>Dependant</i>: Other than those specified in subclauses (a), (b), (c), (d), and (e)</p>	<p>An amount equal to that paid by the member immediately prior to enlistment — but in no case exceeding 10s. 6d. a week.</p>
	<p>Provided that (except in the case where the member is obliged by agreement or Court order to maintain his dependent mother or divorced wife or other dependant, as the case may be, and such person is not in receipt of a social security benefit) the scale of allowable income under the Social Security Act, 1938, is not exceeded.</p>

(2) Where an application for a dependant's allowance is made within six months after the date on which the member commenced service the allowance may be payable from such date; and if application is not made within six months the Minister shall have power to determine the date from which the allowance may be payable:

Provided that the allowance prescribed by subclause (b) of clause (1) of this regulation shall not be payable from any date prior to the 1st day of September, 1941.

(3) The Minister shall have power in any case to refuse to grant a dependant's allowance, and to cancel, suspend, reduce, increase, vary, or otherwise deal with any allowance.

PART IV.—PAY AND ALLOWANCES, GENERAL.

FORFEITURE OF PAY AND SUSPENSION OF DEPENDANT'S ALLOWANCES.

27. During a member's absence on account of any offence or in any of the circumstances set out in column 1 hereunder the dependant's allowance and the member's pay shall, unless the Minister otherwise directs, and subject to the Minister's general powers conferred by these regulations, be dealt with in the manner set out hereunder in columns 2, 3, 4, and 5 respectively:—

Column 1. Offence.	Column 2. Dependant's Allowance.	Column 3. Unallotted Pay.	Column 4. Pay allotted, but not allotted to a Dependant.	Column 5. Pay allotted to a Dependant.
Desertion ..	Shall continue for three months, after which the Minister may authorize continuance for a further period to be determined by the Minister.	Shall cease.	Shall cease.	Shall continue at minimum rate for three months, after which the Minister may authorize continuance for a further period to be determined by the Minister. Payments so shall be recovered from the member.
Imprisonment ..	Shall continue for six months, after which the Minister may authorize continuance for a further period to be determined by the Minister.	Shall cease.	Shall cease.	Shall continue at minimum rate for six months, after which the Minister may authorize continuance for a further period to be determined by the Minister. Payments so made shall be recovered from the member.
Detention (including a period not exceeding seven days during which the member is awaiting trial for an offence of which he is convicted); absence without leave; absence in hospital on account of sickness caused by an offence under the Army Act committed by the member	Shall continue for three months, after which the Minister may authorize continuance for a further period to be determined by the Minister.	Shall cease.	For periods not exceeding seven days allotment shall continue and be recovered from the member; for periods exceeding seven days allotment shall cease.	Shall continue for one month; thereafter for two months at minimum rate, after which the Minister may authorize for a further period. Payments so made shall be recovered from the member.

Provided, however, that—

- (1) While recovery of an allotment is being made from a member such member shall be permitted to receive unallotted pay of at least 1s. a day ;
- (2) The Minister shall, upon the recommendation of the Adjutant-General, have power to direct that recovery of an allotment, or any portion thereof, shall not be made ;
- (3) Where a member is held under open arrest, payment of dependant's allowance and allotted and unallotted pay shall not, unless otherwise directed by the Minister, be affected ;
- (4) Where a dependant is receiving minimum allotment only plus dependant's allowance and the family income is such that the dependant may be entitled to a family benefit under the Social Security Act, 1938, payment of dependants' allowances shall be less any sum received by the dependant by way of such benefit.

PAY AND ALLOWANCE NOT TO BE SUBJECT TO TAX.

28. No deduction for social security contribution or national security tax shall be made from the pay and allowances paid to any member or to any allowance paid to any person wholly or partly dependent on such member.

PAY AND ALLOWANCES NOT TO BE CHARGED.

29. No assignment or charge of the pay of any member or of any allowance payable in respect of any member shall have any force or any effect, whether such pay or allowance is at the time of the assignment or charge already due or payable or not.

PAYMENTS NOT MADE UNDER THESE REGULATIONS ARE NOT
INVALIDATED.

30. Nothing in these regulations shall be deemed to prevent payments on account of pay or allowances or any other payments out of the War Expenses Account established by the War Expenses Act, 1939, which could have been paid if such regulations had not been made.

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 27th day of November, 1941.
These regulations are administered in the Army Department.