

Serial Number 1941/5.



THE MERCANTILE MARINE EMERGENCY REGULATIONS 1941.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 16th day of
January, 1941.

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 Mercantile Marine Emergency Regulations 1941.

2. In these regulations—

“The said Act” means the War Pensions and Allowances (Mercantile Marine) Act, 1940 :

The expression “ member of the New Zealand mercantile marine ” has the same meaning as in the said Act.

3. (1) Where any ship on which members of the New Zealand mercantile marine have been engaged or employed has, whether before or after the commencement of these regulations, been reported to be missing, the War Pensions Board, if authorized so to do by the Minister of Defence, may, for the purposes of the said Act, presume that the members who were engaged or employed thereon on her last voyage have suffered detention in the course of their employment or engagement and that their detention is directly attributable to the present war.

(2) In any such case as aforesaid, allowances as for the detention of the said members may, subject to the provisions of these regulations, be granted in accordance with the provisions of the said Act.

4. All allowances granted in accordance with the foregoing provisions of these regulations shall be granted as provisional allowances and shall be subject to confirmation, adjustment, or termination if and when the War Pensions Board is satisfied in respect of any member either,—

- (a) That he has in fact suffered detention ; or
- (b) That pensions and allowances are payable under the said Act as for his death or disablement ; or
- (c) That he has not in fact suffered death or disablement or detention ; or, if in fact he has suffered death or disablement, that his death or disablement is not directly attributable to the present war.

5. (1) While provisional allowances are payable under these regulations in respect of any member, no person shall be entitled to claim any compensation or damages as for his death or disablement.

(2) If with respect to any such member who has in fact suffered death or disablement it is subsequently proved that his death or disablement is not directly attributable to the present war, and consequently that no pensions or allowances in respect thereof are payable under the said Act, the amount of the allowances that have been paid under these regulations shall be a charge on any compensation or damages that may be payable in respect of his death or disablement. Any such charge may be recovered as a debt due to the Crown from the person to whom any such compensation or damages have been paid, or from any person who is liable for the payment thereof, whether personally or as the indemnifier of any other person.

(3) Any period for which allowances are payable under these regulations in respect of any person shall not be taken into account in computing the time within which any claim for compensation or any action for damages in respect of his death or disablement may be made or commenced by any person entitled to claim such compensation or damages.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23rd day of January, 1941.

These regulations are administered in the Social Security Department.