

**1960/128**

## THE NEW ZEALAND MEMORIAL CROSS

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THE following conditions relating to the institution and issue of the New Zealand Memorial Cross in respect of servicemen of the New Zealand Armed Forces who have lost or lose their lives after the Second World War are hereby published for general information.

Dated at Wellington this 16th day of August 1960.

PHILLIP G. CONNOLLY, Minister of Defence.

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## THE NEW ZEALAND MEMORIAL CROSS

WHEREAS His late Majesty King George VI approved the institution of the New Zealand Memorial Cross to commemorate New Zealand servicemen who lost their lives as a result of active service during the Second World War:

And whereas Her Majesty Queen Elizabeth II has now been graciously pleased to approve the grant of the Cross to commemorate New Zealand servicemen who have since lost or who lose their lives in the circumstances hereinafter specified, subject to the following rules:

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### R U L E S

1. (1) For the purposes of these rules—
  - “Allied force” includes any force which is cooperating with any New Zealand Armed Force; and also includes any force of which any part of any New Zealand Armed Force forms a part:
  - “Commonwealth” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible:
  - “Cross” means the New Zealand Memorial Cross:
  - “Enemy” includes all persons engaged in armed operations against any New Zealand or Allied force; and also includes all armed mutineers, armed rebels, armed rioters, and pirates:
  - “Minister” means the Minister of Defence:
  - “Naval Discipline Act” means the Naval Discipline Act 1957 of the United Kingdom Parliament; and includes all enactments of that Parliament passed in amendment of or substitution for that Act:

“New Zealand Armed Forces” means the New Zealand Naval Forces, the New Zealand Army, and the Royal New Zealand Air Force; and includes all persons for the time being subject to military law or air force law or to the Naval Discipline Act by reason of their carrying out duties necessitating their accompanying the New Zealand Armed Forces or any portion thereof:

“New Zealand serviceman” or “serviceman” means a person to whom clause 3 of these rules applies.

(2) For the purposes of these rules, a person shall be deemed to be ordinarily resident in New Zealand if his home is in New Zealand.

(3) If any question or dispute arises as to whether or not any person was a serviceman or was ordinarily resident in New Zealand it shall be determined by the Minister, whose decision shall be final.

2. The Cross shall consist of a cross in dull silver, mounted in the form of a brooch; at the end of the upright a Crown; at the end of each arm a fern leaf; in the centre within a wreath of laurel the royal cipher; and shall bear the name, rank, and number (if any) of the person in respect of whose death the Cross is granted.

3. The Cross may be granted in respect of the death of any person, whether male or female,—

- (a) Who has lost or loses his life while he is a member of any part of the New Zealand Armed Forces and who is serving outside New Zealand during any war in which New Zealand is engaged or is serving in operations against an enemy; or
- (b) Who, being ordinarily resident in New Zealand, has lost or loses his life while he is a member of any Commonwealth or Allied force, and is serving outside New Zealand during any war in which New Zealand is engaged or is serving in operations against an enemy; or
- (c) Who has lost or loses his life while he is a member of any part of the New Zealand Armed Forces or, being ordinarily resident in New Zealand, is a member of any Commonwealth or Allied force and is in a naval sea-going ship engaged in duties during actual hostilities; or
- (d) Who, being ordinarily resident in New Zealand, has lost or loses his life as a result of enemy action at sea while he is a member, in any capacity, of the British mercantile marine during any war in which New Zealand is engaged or is serving in operations against an enemy; or
- (e) Who has died or subsequently dies from causes attributable to the service specified in any of the paragraphs (a) to (d) of this clause.

4. (1) The Cross shall be granted to the following relatives who are surviving at the date of the grant of the Cross, namely:

(a) One Cross may be granted to—

- (i) His mother; or
- (ii) If his mother does not so survive him, his father; or
- (iii) If his father does not so survive him, his eldest surviving sister; or
- (iv) If no sister so survives him, his eldest surviving brother:

(b) If the serviceman is married, in addition to any Cross granted to his mother, or his father, or his sister, or his brother, in accordance with the provisions of paragraph (a) of this clause, another Cross may be granted to—

(i) His widow; or

(ii) If his widow does not so survive him, his eldest surviving daughter; or

(iii) If no daughter so survives him, his eldest surviving son.

(2) No persons other than those mentioned in subclause (1) of this clause shall have any claim or entitlement to the grant of a Cross.

5. The Minister may require any applicant for the Cross to produce to him, or as he may direct, such proof of death, service, or eligibility as may be deemed necessary.

6. (1) The Minister may in his discretion withhold the grant of the Cross from any applicant who—

(a) Is shown to be of bad character; or

(b) In the case of a widow, was separated from the serviceman by agreement or legal process, or had deserted him, at the time of his death.

(2) If any question or dispute arises as to the grant of, or eligibility for, the Cross, it shall be determined by the Minister, whose decision shall be final.

7. These rules shall not be deemed to revoke or cancel the rules relating to the New Zealand Memorial Cross in respect of New Zealand servicemen who lost their lives as a result of active service during the Second World War\*.

\**Gazette*, 25 September 1947, p. 1382

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These regulations are administered in the Army Department.