

Serial Number 1950/117

**THE ROYAL NEW ZEALAND AIR FORCE REGULATIONS 1938,
AMENDMENT NO. 14**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 12th day of
July, 1950

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Air Force Act, 1937, 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. (1) These regulations may be cited as the Royal New Zealand Air Force Regulations 1938, Amendment No. 14, and shall be read together with and deemed part of the Royal New Zealand Air Force Regulations 1938* (hereinafter referred to as the principal regulations).

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

2. (1) Regulation 235 of the principal regulations (as set out in regulation 4 of the Royal New Zealand Air Force Regulations 1938, Amendment No. 2, and amended by regulation 11 of the Royal New Zealand Air Force Regulations 1938, Amendment No. 3) is hereby revoked, and the following regulation substituted :—

“ FREE ISSUE OF CLOTHING TO AIRMEN

“ 235. The clothing of airmen and of cadets of the Air Training Corps shall be issued and replaced in accordance with the scale and the conditions from time to time laid down by the Air Board.”

* Statutory Regulations, 1938, Serial number 1938/141, page 620.

Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/1, page 1.

Amendment No. 2 : Statutory Regulations 1939, Serial number 1939/33, page 158.

Amendment No. 3 : Statutory Regulations 1939, Serial number 1939/211, page 862.

Amendment No. 4 : Statutory Regulations 1939, Serial number 1939/274, page 1055.

Amendment No. 5 : Statutory Regulations 1940, Serial number 1940/144, page 500.

Amendment No. 6 : Statutory Regulations 1940, Serial number 1940/192, page 616.

Amendment No. 7 : Statutory Regulations 1941, Serial number 1941/205, page 621.

Amendment No. 8 : Statutory Regulations 1943, Serial number 1943/112, page 218.

Amendment No. 9 : Statutory Regulations 1947, Serial number 1947/57, page 170.

Amendment No. 10 : Statutory Regulations 1948, Serial number 1948/53, page 164.

Amendment No. 11 : (Revoked by Serial number 1949/73.)

Amendment No. 12 : (Revoked by Serial number 1949/184.)

Amendment No. 13 : Statutory Regulations 1949, Serial number 1949/184, page 729.

(2) Regulation 11 of the Royal New Zealand Air Force Regulations 1938, Amendment No. 3, is hereby revoked.

3. The principal regulations (as amended by regulation 4 of the Royal New Zealand Air Force Regulations 1938, Amendment No. 1, and by regulation 4 of the Royal New Zealand Air Force Regulations 1938, Amendment No. 2) are hereby amended by adding the following new Chapter comprising the following headings and regulations :—

**“ CHAPTER VIII—COMPENSATION FOR LOSS OF OR DAMAGE
TO SERVICE KIT AND PERSONAL EFFECTS**

INTERPRETATION

“ 240. In this Chapter, unless the context otherwise requires,—

“ ‘ Airman ’ includes any member (not being an officer) of the New Zealand Naval Forces, the New Zealand Army, or any other armed force of any part of the British Commonwealth duly attached or lent to or seconded for service with or appointed for duty with the Air Force :

“ ‘ Equipment ’ includes instructional books, instruments, and tools essential to an officer or airman in the proper performance of his duties :

“ ‘ Investigating officers ’ means officers appointed to investigate claims for compensation under this Chapter of these regulations :

“ ‘ Personal effects ’ means personal effects other than uniform, regulation kit, or equipment :

“ ‘ Prescribed ’ means prescribed by Air Force Orders :

“ ‘ Regulation kit ’ means articles of kit prescribed in these regulations or in Air Force Orders for persons other than male officers of the Regular Air Force :

“ ‘ Uniform ’ means articles of service clothing required by a male officer of the Regular Air Force in the proper performance of his duties.

“ CASH PAYMENT OR REPLACEMENT IN KIND

“ 241. Subject to the provisions of this Chapter of these regulations, an officer or airman who suffers any loss of or damage to his uniform, regulation kit, equipment, or personal effects shall be entitled to compensation therefor by way of cash payment or replacement in kind.

“ WHERE COMPENSATION NOT PAYABLE

“ 242. Compensation shall not be awarded in respect of—

“ (a) Loss of money :

“ (b) Loss by theft, except where the articles stolen have been properly accepted for safe custody by the Air Force or other service authority :

“ (c) Loss of or damage to articles transported for other than Air Force reasons in any vehicle, ship, merchant vessel, or aircraft :

“ (d) Loss of or damage to articles carried by an officer or airman while on leave.

“ **LODGMENT OF CLAIMS**

“ 243. (1) Every claim for compensation under this Chapter of these regulations shall be made in the prescribed manner within thirty days of the date of the loss or damage.

“ (2) Every claim made after the expiry of the time hereinbefore provided shall be liable to be rejected, unless a reasonable explanation is given for the delay.

“ **UNDERTAKING TO BE GIVEN**

“ 244. Every claimant for compensation under this Chapter of these regulations shall, on making his claim, enter into an undertaking in the prescribed form to the effect—

“ (a) That, in the event of compensation being awarded to him in respect of any article, he will, if required, refund to the Crown any amount recovered by him in respect of that article under any policy of insurance (less the premium required to restore the policy to its original cover value), and also any amount recovered by him from any other person in respect of that article, but so that the total amount refunded does not exceed the amount or value of the compensation awarded ; and

“ (b) That, in the event of any article being recovered after compensation has been awarded in respect of its loss, he will, subject to regulation 251 hereof, forthwith return to the Department the article issued in replacement thereof or reimburse the Department with the value of the article so issued, or, as the case may be, refund the amount of compensation paid in respect of the article so recovered.

“ **INVESTIGATION OF CLAIMS**

“ 245. Every claim for compensation under this Chapter of these regulations shall be investigated by investigating officers appointed for the purpose, who shall not recommend the awarding of compensation on any claim unless they are satisfied that—

“ (a) The loss or damage is attributable to risks of the service and

“ (b) The officer or airman concerned did everything in his power to prevent the loss or damage ; and

“ (c) The officer or airman concerned was in no way responsible for the loss or damage ; and

“ (d) Any articles of uniform, regulation kit, or equipment to which the claim relates were required by the officer or airman concerned for the proper performance of his duties ; and

“ (e) Any articles of equipment to which the claim relates, not being articles on issue from the Air Force or other service, were not reasonably available on Air Force or other service issue.

“ **AMOUNT OF COMPENSATION PAYABLE**

“ 246. The compensation awarded for the loss of or damage to personal effects shall in no case exceed—

“ (a) £20 for any one item :

- “ (b) £150 in the aggregate on any claim by an officer :
- “ (c) £100 in the aggregate on any claim by an airman.

“ APPROVING AUTHORITY

“ 247. The awarding of any compensation under this Chapter of these regulations shall—

- “ (a) If the amount or value of the compensation does not exceed £50, be subject to approval by the Air Secretary :
- “ (b) In all other cases, be subject to approval by the Minister.

“ COMPENSATION PAYABLE FOR DAMAGED OR UNSERVICEABLE ARTICLES

“ 248. Where any damaged articles of uniform, regulation kit, equipment, or personal effects are considered by the investigating officers to be unserviceable, compensation may, subject to this Chapter of these regulations and on the recommendation of the investigating officers, be paid as if the damaged articles had been completely destroyed, instead of being paid only in respect of the damage.

“ COMMANDING OFFICER'S REPORT OF CIRCUMSTANCES WHERE
CLAIMANT DISCHARGED

“ 249. Where an officer or airman who has made a claim for compensation under this Chapter of these regulations is discharged before the claim has been satisfied, whether by payment or by replacement, a report of the circumstances shall be forwarded by his Commanding Officer to the Department for consideration and for any necessary adjustment in assessing the compensation (if any).

“ DEATH OF CLAIMANT

“ 250. Where an officer or airman who has made a claim for compensation under this Chapter of these regulations dies before the claim has been satisfied, no compensation shall be payable in respect of any articles of uniform, regulation kit, or equipment :

“ Provided that if the claimant has incurred expenditure in replacing any such articles, a refund of the amount so expended may, subject to this Chapter of these regulations, be awarded to the personal representatives of the claimant.

“ RECOVERY OF ARTICLES IN RESPECT OF WHICH COMPENSATION HAS
BEEN PAID

“ 251. Where a claim for compensation under this Chapter of these regulations in respect of the loss of any article has been satisfied, whether by payment or by replacement, and that article is subsequently recovered, the officer or airman concerned shall forthwith return to the Department any articles issued in replacement thereof or reimburse the Department with the value of the article so issued, or, as the case may be, refund the amount of compensation paid in respect of the article so recovered :

“ Provided that, if the article so recovered is in a damaged condition, the officer or airman may claim compensation in respect of that damage at any time within thirty days after the date of its recovery.

“PROCEDURE

“ 252. The procedure to be followed in making a claim for compensation under this Chapter of these regulations, the information to be included in any such claim, the procedure by investigating officers on completion of their investigation of a claim, the method of assessment of compensation, whether by payment or by replacement, and the conditions to apply to the awarding and satisfaction of compensation, shall be as prescribed by Air Force Orders.”

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.*]

The purpose of regulation 2 is to enable the Air Board to amend as necessary from time to time the scale of free issue clothing to airmen. The provisions of regulation 3 are new, and set out the conditions under which claims for loss of or damage to service kit and personal effects may be made and the manner in which those claims are to be dealt with.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 13th day of July, 1950.
These regulations are administered in the Air Department.