

**Serial Number 1949/45**

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**THE WAR SERVICE GRATUITIES EMERGENCY REGULATIONS  
1945, AMENDMENT NO. 2**

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B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 6th day of  
April, 1949

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Continuance Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

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**REGULATIONS**

1. These regulations may be cited as the War Service Gratuities Emergency Regulations 1945, Amendment No. 2, and shall be read together with and deemed part of the War Service Gratuities Emergency Regulations 1945\* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:—

“(2) For the purposes of these regulations the war service of any member shall be deemed to end on the date of the cessation of his pay as a member of the Forces or on such other date as the Minister determines.”

3. The principal regulations are hereby amended as from the commencement thereof by revoking Regulations 5 and 6, and substituting the following regulations:—

“5. Notwithstanding the provisions of Regulation 4 hereof, the total war service gratuity that may be granted in respect of any member who at the date of entitlement is in receipt of or within three years thereafter is granted a pension under the War Pensions Act, 1943, as a result of his service, whether within or outside New Zealand, shall be not less than the appropriate amount hereinafter specified, that is to say—

“(a) Where the war pension is a permanent pension in respect of total disablement, the sum of £200 :

“(b) Where the war pension is a permanent pension for partial disablement, a sum bearing to £200 the same proportion as the amount of the pension bears to the amount of the permanent pension to which the member would be entitled if he were totally disabled :

\* Statutory Regulations 1945, Serial number 1945/172, page 439.  
Amendment No. 1: Statutory Regulations 1947, Serial number 1947/179, page 615.

“ Provided that where a permanent pension for partial disablement is increased or is subsequently adjusted to become payable for total disablement within three years from the date of entitlement, the war service gratuity already paid to the member may be further supplemented in accordance with this paragraph, but so that the aggregate amount so paid shall not exceed the sum of £200 :

“(c) Where the war pension is a temporary pension, a sum representing the amount of gratuity payable for the member’s service plus 10 per cent., but so that the aggregate amount shall not exceed the amount to which the member would have been entitled if the pension had been permanent :

“ Provided that where the temporary pension is on any subsequent date within three years from the date of entitlement converted into a permanent pension in respect of total or partial disablement, the war service gratuity already paid to the member under this paragraph may be further supplemented in accordance with paragraph (a) or paragraph (b) of this regulation.

“ 6. (1) Subject to the provisions of this regulation, where any member has died on or before or after the date of entitlement or within three years thereafter, the Minister may in his discretion grant a war service gratuity in accordance with these regulations, or any part of such a gratuity, to or for the benefit of such dependant or dependants of the member, or such other person or persons, in such manner, and in such proportions, as the Minister thinks fit.

“(2) Where the death of the member—

“(a) Is attributable to his service, whether within or outside New Zealand ; or

“(b) Has occurred during his service outside New Zealand,—  
the total war service gratuity that may be granted shall be not less than £200.

“(3) Where the member was at the date of his death in receipt of a war pension, in any case to which subclause (2) of this regulation does not apply, the total war service gratuity that may be granted shall be not less than the appropriate amount specified in Regulation 5 hereof, according to the nature of the war pension being paid at the date of death.

“(4) A war service gratuity granted under this regulation shall, except where the death of the member occurred after the date of entitlement, be deemed not to form part of the estate of the deceased member.”

T. J. SHERRARD,  
Clerk of the Executive Council.