

1967/74



THE POLICE REGULATIONS 1959, AMENDMENT NO. 12

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 17th day of April 1967

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING IN COUNCIL

PURSUANT to the Police Act 1958, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Police Regulations 1959, Amendment No. 12, and shall be read together with and deemed part of the Police Regulations 1959* (hereinafter referred to as the principal regulations).

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

2. The principal regulations are hereby amended by revoking regulation 79, and substituting the following regulations:

“79. **Retiring leave**—On retirement, after attaining the age of 60 years or in accordance with section 35 of the Superannuation Act 1956, and after not less than 10 years' service, members shall be entitled as of right to the retiring leave prescribed in parts A and B of the table set out in the Fourth Schedule hereto.

*S.R. 1959/9

Amendment No. 1: S.R. 1959/138
 Amendment No. 2: S.R. 1959/208
 Amendment No. 3: S.R. 1961/3
 Amendment No. 4: S.R. 1961/40
 Amendment No. 5: S.R. 1961/134
 Amendment No. 6: S.R. 1962/20
 Amendment No. 7: S.R. 1963/3
 Amendment No. 8: S.R. 1963/194
 Amendment No. 9: S.R. 1964/182
 Amendment No. 10: S.R. 1965/119
 Amendment No. 11: S.R. 1966/120

“79A. Retiring leave on medical grounds—(1) Any permanent member may relinquish office on medical grounds and be eligible for retiring leave as of right, if—

“(a) He is accepted for retirement by the Superannuation Board in terms of section 36 of the Superannuation Act 1956; or

“(b) Not being a contributor to the Superannuation Fund, he produces medical evidence to satisfy the Commissioner that the retirement would be so accepted by the Superannuation Board were the member a contributor; or

“(c) He is compulsorily retired on medical grounds in terms of section 28 of the Act.

“(2) Leave entitlement under this regulation shall be 65 days where service does not exceed 25 years, and in every other case shall be in accordance with Part B of the Fourth Schedule hereto.

“(3) The Commissioner may at his discretion declare any cadet, probationary constable, or temporary member to be entitled to retiring leave on medical grounds as if he were a permanent member, or may grant such lesser amount of leave as the Commissioner thinks fit.

“79B. Cash grant—(1) Every member relinquishing office pursuant to any of the provisions of regulations 79 and 79A hereof may accept, instead of any period of any retiring leave to which he is entitled, a lump-sum gratuity equivalent in value to that leave.

“(2) The Commissioner may approve a cash payment to the widow or dependants of a deceased member of a sum the equivalent in value to the leave that would have been granted to the deceased member had he retired under regulation 79 hereof on the date of his death.

“79C. Calculation of service—For the purposes of regulations 79, 79A, and 79B of these regulations, the term ‘service’ means unbroken full-time employment in Government service at the time when a member ceases duty, together with any other period and type of employment which the Commissioner may recognise, but does not include any continuous period of leave exceeding three months (other than for sickness, rehabilitation leave, study leave on pay, or military service, or for any other purposes specified in General Instructions), and any period of anticipated retiring leave.

“79D. Leave in anticipation of retiring leave—(1) A member with over 20 years’ continuous Government service shall be entitled as of right (but subject to subclauses (2) and (3) of this regulation) to leave on full pay in anticipation of retiring leave on the basis set out in the Fifth Schedule to these regulations:

“Provided that a member with less than 20 years’ service who would be entitled to retiring leave if he retired may at the discretion of the Commissioner be permitted to anticipate up to half of such retiring leave.

“(2) Every approval to anticipate retiring leave shall be conditional on a written undertaking given by the member that, in the event of his resigning before completion of his full term of service, he will refund the value of any number of days of leave taken in anticipation (calculated at the gross salary rate applicable at the time when anticipated leave was taken) which are in excess of the number of days’ leave due on resigning.

“(3) Every member shall give three months’ notice of his intention to take anticipated retiring leave. The actual period of the leave shall be subject to Departmental convenience, but shall in no case be less than one month at any one time, and the Commissioner shall not withhold the granting of the leave beyond 12 months from the date of application.

“(4) Anticipated retiring leave taken shall not be counted as service for retirement purposes.

“79E. **Resigning leave**—(1) The Commissioner may, at his discretion, grant resigning leave to members who have not reached 60 years of age but have completed 20 years of continuous Government service on the basis set out in the table in the Sixth Schedule to these regulations.

“(2) In special circumstances the Commissioner may grant resigning leave to members with not less than 10 years’ but less than 20 years’ continuous service who are less than 60 years of age.

“79F. **Women resigning to be married or after having married**—(1) The Commissioner may at his discretion grant resigning leave to a female member who after five years’ continuous Government service resigns to be married or after having married while in the Government service, and who is not otherwise entitled to resigning leave.

“(2) Where a female member resigns to be married, the granting of leave shall be subject to the condition that marriage takes place within six weeks of leaving the Police.

“(3) Leave under this regulation may be granted on the following basis:

After five years’ continuous service	22 working days
After 20 years’ continuous service	30 working days

“79G. **General**—(1) If a member about to retire or resign occupies, whether as a tenant or otherwise, any house or quarters provided by the Police Department, he shall vacate the same on or before the date of commencement of any retiring or resignation leave or before the payment of any gratuity instead of leave.

“(2) While a member is on retiring or resignation leave granted under these regulations, no annual leave shall be granted or shall accrue to that member in respect of the period of retiring or resignation leave.

“(3) An allowance not exceeding the amount of 20 working days’ full pay may, in the discretion of the Commissioner, be granted to any member whose resignation is requested, or who is discharged from the Police, for any reason other than misconduct.”

3. Regulation 80 of the principal regulations is hereby amended by inserting, after the word “retiring”, the words “or resigning”.

4. The principal regulations are hereby further amended by adding thereto the Fourth, Fifth, and Sixth Schedules as set out in the First, Second, and Third Schedules to these regulations.

SCHEDULES

FIRST SCHEDULE

Reg. 4

NEW FOURTH SCHEDULE TO PRINCIPAL REGULATIONS

“FOURTH SCHEDULE

Part A

RETIRING LEAVE

Regs. 79, 79A

Entitlement (in Working Days) with Service of Years and Months Specified

Months	0	2	4	6	8	10
Years						
10	22	23	24	24	25	26
11	26	27	28	29	29	30
12	31	31	32	33	34	34
13	35	36	36	37	38	39
14	39	40	41	41	42	43
15	44	44	45	46	46	47
16	48	49	49	50	51	51
17	52	53	54	54	55	56
18	56	57	58	59	59	60
19	61	61	62	63	64	64
20 to 25	65					

Part B

Months	0	2	4	6	8	10
Years						
25	65	66	66	67	68	69
26	69	70	71	71	72	73
27	74	74	75	76	76	77
28	78	79	79	80	81	81
29	82	83	84	84	85	86
30	86	87	88	89	89	90
31	91	91	92	93	94	94
32	95	96	96	97	98	99
33	99	100	101	101	102	103
34	104	104	105	106	106	107
35	108	109	109	110	111	111
36	112	113	114	114	115	116
37	116	117	118	119	119	120
38	121	121	122	123	124	124
39	125	126	126	127	128	129
40 or more	131”					

Reg. 4

SECOND SCHEDULE

NEW FIFTH SCHEDULE TO PRINCIPAL REGULATIONS

"FIFTH SCHEDULE

Reg. 79D

ANTICIPATION OF RETIRING LEAVE

Entitlement (in Working Days) With Service of Years and Months Specified

Months	0	3	6	9
Years				
20	65	66	66	67
21	68	69	69	70
22	71	71	72	73
23	74	74	75	76
24	76	77	78	79
25	79	80	81	81
26	82	83	84	84
27	85	86	86	87
28	88	89	89	90
29	91	91	92	93
30	94	94	95	96
31	96	97	98	99
32	99	100	101	101
33	102	103	104	104
34	105	106	106	107
35	108	109	109	110
36	111	111	112	113
37	114	114	115	116
38	116	117	118	119
39	119	120	121	121
40 or more	122"			

THIRD SCHEDULE Reg. 4
 NEW SIXTH SCHEDULE TO PRINCIPAL REGULATIONS
 "SIXTH SCHEDULE Reg. 79E
 RESIGNING LEAVE

Years of Service	Leave (Working Days)	Years of Service	Leave (Working Days)
20	32	30	46
20½	33	30½	47
21	34	31	48
21½	34	31½	49
22	35	32	49
22½	36	32½	50
23	36	33	51
23½	37	33½	51
24	38	34	52
24½	39	34½	53
25	39	35	54
25½	40	35½	54
26	41	36	55
26½	41	36½	56
27	42	37	56
27½	43	37½	57
28	44	38	58
28½	44	38½	59
29	45	39	59
29½	46	39½	60"

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.

These regulations vary the provisions of the principal regulations relating to the grant of retiring leave and resigning leave so as to specify entitlements in terms of working days.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 April 1967.

These regulations are administered in the Police Department.