

Regulations Under the Naval Defence Act, 1913, Amended

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 11th day of
October, 1950

Present :
THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to section 25 of the Naval Defence Act, 1913, His
Excellency the Governor-General, acting by and with the
advice and consent of the Executive Council, doth hereby make
the following regulations.

REGULATIONS

THE New Zealand Naval Regulations 1929* are hereby amended
by revoking regulation 238, and substituting the following
regulation:—

“238. Compensation for loss of or damage to uniforms, &c.:—

“This regulation governs the payment of compensation for loss
of or damage to regulation kit or personal effects of officers and men
of the Royal New Zealand Navy and of personnel of the Women’s
Royal New Zealand Naval Service.

“ Interpretation

“2. In this regulation, unless the context otherwise requires,—

- “ ‘Equipment’ includes instructional books, instruments,
and tools essential to an officer or rating in the proper
performance of his duties :
- “ ‘Investigating officers’ means officers appointed to
investigate claims for compensation under paragraph
7 of this regulation :
- “ ‘Personal effects’ means personal effects other than
uniform, regulation kit, or equipment :
- “ ‘Regulation kit’ means articles of kit prescribed for a
rating in service regulations :
- “ ‘Uniform’ means articles of service clothing required by
an officer in the proper performance of his duties.

“ Cash Payment or Replacement in Kind

“3. Subject to the provisions of this regulation, an officer or
rating 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

“4. 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 Navy or
other service authority :
- “(c) Loss of or damage to articles transported for other than
service reasons in any vehicle, ship, merchant vessel,
or aircraft :
- “(d) Loss of or damage to articles carried by an officer or rating
while on leave unless special circumstances exist, in
which cases claims may be forwarded to Navy Office
for consideration.

“ Procedure for Forwarding Claims

“5. (1) When an officer or rating sustains a loss or damage
he is to forward his claim to his Commanding Officer within one
calendar month from the date of loss or damage ; any neglect to
do so within that period may be held sufficient reason for its
rejection.

“(2) When it is not practicable for a claim to be forwarded
to the Commanding Officer within one calendar month, an explana-
tion of the delay is to be noted on the claim.

“(3) When forwarding his claim, the officer or rating is to
state—

- “(a) Complete details of the articles lost or damaged ;
- “(b) The circumstances under which the loss or damage
occurred ;
- “(c) The names of all persons who in any way contributed
to the loss or damage ; and
- “(d) Details of insurance carried by him in respect of the
articles lost or damaged.

“(4) Separate lists are to be prepared in respect of—

- “(a) Uniform :
- “(b) Regulation kit :
- “(c) Equipment :
- “(d) Personal effects.

“(5) The lists referred to in the last preceding subparagraph
are to provide the following information :—

- “(a) The date and cost of acquisition of original article ;
- “(b) Whether the article has been replaced or repaired since
the loss or damage ; and
- “(c) The date and cost of replacement or repair.

“(6) Receipts are to be attached where possible but if they
are not available the estimated cost is to be stated.

* Gazette, 6th December, 1929, Vol. III, page 3153

“ Undertaking to be Given

“6. Every claimant for compensation under this regulation 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 com-
pensation has been awarded in respect of its loss, he
will, subject to paragraph 12 hereof, forthwith return
to the Navy Office the article issued in replacement
thereof or reimburse the Navy Office 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

“7. (1) Every claim for compensation under this regulation
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 rating concerned did everything in his
power to prevent the loss or damage ; and
- “(c) The officer or rating 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
rating 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 Navy, were not reason-
ably available on service issue.

“(2) After being investigated by investigating officers as
aforesaid, claims are to be dealt with as follows :—

- “(a) Officers’ claims are to be forwarded to Navy Office for
consideration as to payment :
- “(b) Ratings’ claims : Claims in respect of loss of or damage to
regulation kit are to be dealt with locally in
accordance with paragraph 8 of this regulation. All
other claims are to be forwarded to Navy Office for
consideration. A copy of any claim dealt with locally
is to be forwarded to Navy Office.

“ Assessment of Claims

“8. (1) *Uniform Regulation Kit and Equipment :*

“(a) Compensation for loss of or damage to uniform, regulation
kit, or equipment, shall be calculated on the principle
of enabling the officer or rating to re-equip himself
with articles lost or damaged, which he is required
by regulations to possess or which are necessary for
the proper performance of his duty.

“(b) The basis on which compensation for loss or damage is to
be assessed is as follows :—

“(i) Articles comprised in the regulation kit will
be replaced in kind or at the current issuing price :

“(ii) When articles other than those comprised in
the regulation kit are available from service sources,
compensation will be based on the current issuing
price :

“(iii) When articles are not available from service
sources, the cash value of the compensation allowed
will be assessed on the basis of reasonable current
market prices. The value of compensation for articles
of costly or elaborate types will be based on the price
of similar articles of ordinary utility quality.

“(2) *Personal Effects Lost or Damaged :*

“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 a rating.

“ Compensation Payable for Damaged or Unserviceable Articles

“9. (1) Where any damaged articles of uniform, regulation kit,
equipment, or personal effects are considered by the investigating
officers to be unserviceable, compensation, if otherwise payable,
and subject to the foregoing provisions of these regulations, may
be paid as if the damaged articles had been completely destroyed,
instead of being paid only in respect of the damage.

“(2) The amount of compensation under this regulation for
damaged articles shall be awarded as recommended by the in-
vestigating officers and approved by the Naval Board.