



THE  
**NEW ZEALAND GAZETTE**  
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, TUESDAY, APRIL 4, 1916.

*Additional Regulations under the War Regulations Act, 1914.*

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this third day of April, 1916.

Present:

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred on him by the War Regulations Act, 1914, and of every other power and authority enabling him in that behalf, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following additional regulations under that Act; and doth hereby declare that the said regulations shall come into operation on the sixteenth day of April, one thousand nine hundred and sixteen.

REGULATIONS.

1. In the following regulations—

“Enemy” means any person, firm, or company with whom or with which trading or correspondence is prohibited by or under the Trading with the Enemy Act, 1914, or its amendments, or the War Regulations; and includes any person, firm, or company declared to be an enemy under these regulations:

“Enemy property” means all property, real or personal, which belongs to an enemy or in which an enemy has any interest, and includes all money owing or payable to an enemy or to any person on behalf of an enemy:

“Enemy company” means a company which is incorporated in enemy territory, or in or over which any enemy or any other enemy company or any alien enemy (other than one who is also a natural-born British subject) possesses or exercises any substantial interest or control.

2. For the purposes of the following regulations, when any person, firm, or company by means of an agent or servant in New Zealand solicits or receives offers for the sale, purchase, or consignment of goods, such person, firm, or company shall be deemed to carry on business in New Zealand, whether such offers are received or accepted in New Zealand or elsewhere.

*Enemy Property.*

3. The Public Trustee shall act as the Custodian of Enemy Property under these regulations.

4. On or before the 1st day of May, 1916, every person who on the coming into operation of these regulations holds, or has the possession, management, or control of, any enemy property shall by notice in writing communicate the fact, together with full particulars of such property, to the Custodian of Enemy Property at the Public Trust Office at Wellington, and every such person shall thereafter from time to time give to the Custodian such further information relative to that property as he may require.

5. Every person shall, within fourteen days after he begins to hold, possess, manage, or control any enemy property, or after any property held, possessed, managed, or controlled by him becomes enemy property, communicate the fact by notice in writing to the Custodian of Enemy Property at the Public Trust Office at Wellington, together with full particulars of that property, and shall from time to time thereafter give to the Custodian such further information relative to that property as he may require.

6. All notifications of enemy property under the two last preceding regulations shall be made in accordance with the Schedule hereto and under the several headings specified in that Schedule.

7. Money owing or payable to an enemy or to any person on behalf of an enemy shall be deemed to be enemy property held by the person by whom it is owing or payable, and also by the agent, attorney, or representative of that person in New Zealand.

8. Shares owned by or on behalf of an enemy in any company incorporated in New Zealand or carrying on business in New Zealand shall be deemed to be enemy property held by the company, and also by the attorney or manager of that company in New Zealand.

9. Property owned jointly or in common by an enemy and by any person in New Zealand shall be deemed to be enemy property held by such person in New Zealand.

10. No person shall by any false, misleading, or incomplete statement deceive or attempt to deceive the Custodian in any matter relative to enemy property.

11. (a.) All rents, dividends, interest, shares of profits, and other income owing or payable to an enemy or to any person on behalf of an enemy by any person in New Zealand shall be paid by such last-mentioned person to the Custodian of Enemy Property.

(b.) Every such payment shall be made on or before the 1st day of May, 1916, in the case of moneys already so due and payable at the date of the coming into operation of these regulations; and in all other cases such payment shall be made within fourteen days after the day on which such moneys become due and payable, or after any later day on which the person to or on behalf of whom they are due and payable becomes an enemy.

12. In the case of all moneys due and payable to an enemy or to any person on behalf of an enemy (other than rents, dividends, interest, shares of profits, and income as aforesaid) the Custodian of Enemy Property may, if he thinks it expedient in the public interest, demand payment of such moneys from the person by whom they are so payable; and the person on whom such demand is made shall forthwith, or so soon as may be reasonably practicable, pay such moneys to the Custodian accordingly.

13. All bank balances and other sums payable on demand shall be deemed to become or to have become due and payable at any time at which such demand might lawfully have been made if a state of war had not existed.

14. All moneys received by the Public Trustee as the Custodian of Enemy Property shall be invested in accordance with the direction of the Minister of Finance, and subject to or in default of such direction shall form part of the common fund of the Public Trustee, but no interest shall be payable thereon.

15. When, by any assignment or transfer or otherwise howsoever, any property or any interest therein passes or at any time has passed from an enemy to any person who is not an enemy, such property shall nevertheless be deemed still to remain or to have remained enemy property, and the income or proceeds thereof shall be deemed to be payable to an enemy.

16. No person shall without the permission of the Attorney-General pay to the assignee of an enemy, or to any person claiming

through an enemy, any money which he could not lawfully pay to the enemy himself, whether the title of such assignee or person claiming through an enemy has accrued before or after the coming into operation of these regulations.

17. No person shall, without the permission of the Attorney-General, be in any manner concerned in the transfer of any enemy property from an enemy to any other person, or in the acquisition by any person of any charge or other interest in or over any enemy property, or in the registration or recording of any such transfer or acquisition.

18. No person shall, without the permission of the Attorney-General, acquire or be concerned in the acquisition of the undertaking or business, or of any part of the undertaking or business, of an enemy, or carry on or profess to carry on business as the successor of an enemy.

*Trading with the Enemy.*

19. (a.) No person shall trade with any company or firm carrying on business elsewhere than in the British Dominions if that company or firm is incorporated or has, or had at the commencement of the present war with Germany, its chief place of business in enemy territory; provided that trading with a branch of any such company or firm shall not be deemed to be trading with that company or firm if the branch is carrying on business exclusively within the British Dominions.

(b.) Enemy territory in this regulation does not include territory in the military occupation of His Majesty's Forces, and all territory so occupied shall be deemed to be included within the British Dominions for the purposes of this regulation.

(c.) In this regulation trading with a company or firm means the doing of any act which would be an offence against the Trading with the Enemy Act, 1914, or its amendments, if that company or firm was resident and carrying on business exclusively in enemy territory.

(d.) Nothing in this regulation shall be deemed to prohibit any act which is permitted by a license issued by the Attorney-General, and the Attorney-General is hereby empowered to issue such licenses accordingly.

20. (a.) If the Attorney-General is satisfied that any company, firm, or person carrying on business in any place, whether in or out of New Zealand, is carrying on such business exclusively or to a substantial extent for the benefit or under the control of alien enemies resident out of New Zealand or of an enemy company, or is engaged in any business, communications, or undertaking injurious to the interests of His Majesty in respect of the present war, he may by notice in the *Gazette* declare such first-mentioned company, firm, or person to be an enemy.

(b.) If the Attorney-General is satisfied that any person resident out of New Zealand is an alien enemy and is carrying on business in New Zealand, he may by notice in the *Gazette* declare such person to be an enemy.

(c.) Any such declaration as aforesaid may be at any time in like manner revoked by the Attorney-General.

(d.) So long as any such declaration remains unrevoked no person shall trade with the company, firm, or person so declared to be an enemy.

(e.) So long as any such declaration remains unrevoked no person shall act as an agent or servant or otherwise on behalf of the person, firm, or company so declared to be an enemy, or as a partner of such person or in such firm.

(f.) In this regulation trading with a company, firm, or person means the doing of any act which would be an offence against the Trading with the Enemy Act, 1914, or its amendments, if that company, firm, or person was resident and carrying on business exclusively in enemy territory.

(g.) Nothing in this regulation shall be deemed to prohibit any act which is permitted by a license issued by the Attorney-General, and the Attorney-General is hereby empowered to issue such licenses accordingly.

21. (a.) If the Minister of Customs, in the case of any goods shipped or about to be shipped for exportation to any place not being within the British Dominions, has reason to suspect that the consignee is an enemy or a person engaged in any business, undertaking, or communications injurious to the interests of His Majesty in respect of the present war, he may prohibit the exportation of those goods.

(b.) No person having knowledge of such prohibition shall be concerned in the exportation or attempted exportation of such goods in breach of the prohibition.

(c.) In this regulation the term "consignee" includes any person for whom goods are destined, whether immediately or ultimately.

22. The First Schedule to the War Regulations of the 26th day of January, 1915, containing a form of Declaration of Ultimate Destination of goods exported to places other than British territory, is hereby amended by inserting after paragraph (3) of that declaration the following paragraph:—

"4. The said goods are being exported for ultimate delivery to [*Here set out the name and address of the real purchaser or other person for whom the goods are intended by the exporter.*]"

23. (a.) If the Attorney-General is satisfied that any person is carrying on business in New Zealand in the name of an enemy, or otherwise uses in connection with his business any name, style, designation, or description calculated to lead the public to believe that the business is that of an enemy or that an enemy has any interest therein or any connection therewith, the Attorney-General may by notice to that person prohibit the use in connection with his business of such name, style, designation, or description.

(b.) No person shall in breach of such prohibition use in connection with his business the name, style, designation, or description so prohibited.

24. It shall not be lawful for the Registrar of Companies or for any Assistant Registrar of Companies to issue a certificate of the incorporation of any company under the Companies Act, 1908, until and unless the Attorney-General, being satisfied that no enemy and no enemy company and no alien enemy (other than one who is also a natural-born British subject) possesses or is about to acquire any interest, whether legal or equitable, in that company, authorizes the issue of such certificate.

25. It shall not be lawful for any company incorporated elsewhere than in New Zealand, and not lawfully carrying on business in New Zealand at the date of the coming into operation of these regulations, to commence to carry on business in New Zealand until and unless the Attorney-General, being satisfied that no enemy and no enemy company and no alien enemy (other than one who is also a natural-born British subject) possesses or exercises or is about to possess or exercise any substantial interest or control in or over that company, issues to that company a license to carry on business in New Zealand.

26. (a.) It shall not be lawful for any alien enemy (other than one who is also a natural-born British subject) to carry on business in New Zealand, unless he is already resident or carrying on business in New Zealand at the date of the coming into operation of these regulations.

(b.) It shall not be lawful for any person to act as the agent, servant, partner, or otherwise on behalf of an alien enemy (other than one who is also a natural-born British subject) in respect of any business carried on by him in New Zealand, unless that alien enemy was resident or carrying on business in New Zealand at the date of the coming into operation of these regulations.

27. It shall not be lawful for any enemy or for any alien enemy (other than one who is also a natural-born British subject) to acquire, whether at law or in equity, any shares, debentures, or debenture stock in any company incorporated in New Zealand, nor shall it be lawful for any such company or for any officer thereof to register, record, recognize, or be otherwise concerned in the acquisition, whether in New Zealand or elsewhere, of any such shares, debentures, or debenture stock by any such enemy or alien enemy; provided that nothing in this regulation shall extend to any acquisition by way of testamentary or intestate succession.

28. (a.) When the Attorney-General is satisfied, with respect to any business carried on in New Zealand, that it is being carried on wholly or partially by or on behalf of or under the control or management of an enemy, or an enemy company, or an alien enemy, the Attorney-General may by notice to any person by whom such business is being carried on or managed in New Zealand, or to the agent, attorney, or representative in New Zealand of any such person, impose such restrictions as he thinks fit upon the scope or nature of that business or upon the mode of carrying it on.

(b.) Any such restrictions may be in like manner removed or varied by the Attorney-General.

(c.) No person shall carry on, or be in any manner concerned in the carrying-on, of any such business in breach of the restrictions so imposed and for the time being in force.

29. The power of the Attorney-General to appoint the Public Trustee as the Controller of certain companies under the War Regulations of the 25th day of November, 1914, shall extend to the appointment of the Public Trustee as the Controller of the business of any company or firm whatsoever, and such power may be exercised whenever the Attorney-General is satisfied that its exercise is advisable by reason of the existence of any interest or control possessed or exercised in or over that business by an enemy, or by an alien enemy, or by an enemy company. The said regulations of the 25th day of November, 1914, shall be read and construed accordingly as if every reference therein to a company was a reference to a company or firm, and each partner in a firm shall be deemed to be a servant of the firm within the meaning of the said regulations.

*Miscellaneous.*

30. In these regulations, and in all other War Regulations, the term "person" includes a body corporate so far as such regulations are capable of application to bodies corporate.

31. (a.) Every alien enemy shall, if so required by the Custodian of Enemy Property, within fourteen days after being so required, give to the Custodian such particulars as he requires as to all property of the value of £50 or upwards, whether situated in New Zealand or elsewhere, which belongs to that alien enemy or in which he is interested.

(b.) Such particulars shall be in writing verified by the statutory declaration of the alien enemy by whom the same are given.

(c.) The term "property" includes all money owing or payable to an alien enemy or to any person on his behalf.

32. No owner of a British ship registered in New Zealand, or of any share in such a ship, shall transfer the ship or any share therein to any person not qualified to own a British ship.

33. These regulations shall be read together with and deemed part of the War Regulations of the 10th day of November, 1914.

SCHEDULE.

A.

*Returns of Property held, possessed, managed, or controlled on behalf of Enemies resident or carrying on Business in Enemy Territory.*

Such returns shall be made under the following heads:—

(1.) Dividends or interest in respect of any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in New Zealand, and any profits or share of profits of any business, and any interest on money lent other than interest on the securities mentioned under the next following head.

(2.) Sums payable in New Zealand in respect of interest or securities issued by the Government of any part of the British Dominions or in respect of securities issued by any municipal or other public or local authority, and also all principal sums which become or have become due and repayable in respect of such securities.

(3.) Shares, stocks, debentures, debenture stock, and other obligations of companies incorporated in New Zealand, and interests held in partnerships carrying on business in New Zealand.

(4.) All real and personal property not otherwise referred to in this Schedule.

(5.) Property held in New Zealand for safe custody, such as securities, deeds, personal belongings, jewellery, or cash.

(6.) All income not otherwise referred to in this Schedule.

(7.) Debts, bank deposits, and bank balances.

B.

*Returns of Property held, possessed, managed, or controlled on behalf of Enemies resident or carrying on Business elsewhere than in Enemy Territory.*

Such returns shall be made in the same manner as returns under Part A of this Schedule, but separately therefrom.

J. F. ANDREWS,  
Clerk of the Executive Council.

