



THE
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 EXTRAORDINARY.

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WELLINGTON, MONDAY, JULY 24, 1916.

Additional Regulations under the War Regulations Act, 1914.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-fourth day of July, 1916.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

I, ARTHUR WILLIAM DE BRITO SAVILE, Earl of Liverpool, the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby, in pursuance of the War Regulations Act, 1914, make the following additional regulations under that Act.

REGULATIONS.

LICENSES FOR THE IMPORTATION OF GOODS.

1. (a.) *SAVE* in pursuance of, and in accordance with the terms of, a license issued by the Comptroller of Customs under these regulations, it shall not be lawful for any person to import or to be concerned in the importation of any goods into New Zealand directly or indirectly from any country other than the United Kingdom, or a British possession, or territory in the military occupation of His Majesty, or the United States of America

(b.) Without in any way limiting the generality of the foregoing provisions, every person shall be deemed to be concerned in the importation of goods into New Zealand from any country who—

(i.) Does any act with intent to procure such importation either by himself or any other person; or

(ii.) Procures, or does any act with intent to procure, from any person resident or carrying on business in that country, and whether directly or through an agent or intermediate purchaser, and whether by way of purchase, consignment on sale, or otherwise, goods for importation into New Zealand.

2. (a.) A license under the foregoing regulations shall be issued by the Comptroller of Customs, subject to such conditions, restrictions, and limitations as he thinks fit, whenever he is satisfied, from information supplied by the applicant or otherwise, that there is no reason to believe or suspect that the goods to be imported are in whole or in part manufactured, produced, sold, consigned by, or procured from an enemy or an alien enemy, or any person having any such connections or associations with an enemy or alien enemy that the importation of such goods is contrary to the public interest.

(b.) "Enemy" means any person from whom the purchase of goods is prohibited by or under the Trading with the Enemy Act, 1914, or any War Regulations other than the foregoing.

(c.) The burden of proving that a license ought to be granted as aforesaid shall be upon the applicant.

(d.) The decision of the Comptroller as to the issue or the refusal of a license, and as to the conditions, restrictions, and limitations on which a license shall be granted, shall be final and conclusive.

3. Every such license may be at any time revoked by the Comptroller for any reason which in his opinion would have justified a refusal of the grant thereof, or if in his opinion any breach of the conditions, restrictions, or limitations of the license has been committed.

4. Goods imported in breach of the foregoing regulations shall be forfeited to His Majesty, and for this purpose they shall be deemed to be prohibited imports under the Customs Act, 1913, and all the provisions of that Act as to forfeitures shall, so far as applicable, apply accordingly.

5. A license granted under these regulations shall be no defence to any prosecution for an offence against any other War Regulations or against the Trading with the Enemy Act, 1914.

6. Nothing in the foregoing regulations shall prevent a bank from acting in the ordinary way of banking business in respect of the receipt or delivery of shipping documents, the acceptance or collection of bills of exchange, or otherwise in relation to the importation of goods.

7. Every person shall be guilty of an offence against these regulations who deceives or attempts to deceive the Comptroller of Customs in the exercise of his powers thereunder.

8. Nothing in the foregoing regulations shall render illegal the importation of goods in pursuance of any order despatched from New Zealand before the date of these regulations for the purchase or consignment of goods, provided those goods have left the country of exportation within three months after the date of these regulations.

9. Nothing in the foregoing regulations shall make it illegal for any person to import or to be concerned in the importation of goods for his own use unconnected with any trade or business carried on by him.

10. If a Collector of Customs has reason to believe that any goods imported into New Zealand are imported directly or indirectly from any country other than the United Kingdom or a British possession, or have been wholly or partially manufactured or produced in any such country, the Collector may refuse to permit the delivery of those goods from the control of the Customs until and unless evidence to his satisfaction has been produced by the importer as to the country from which they were so imported, or in which they were so manufactured or produced, and as to the names and places of business of the exporter, vendor, and manufacturer thereof.

ENEMY TRADE.

11. (a.) Where any person is or has at any time been, whether before or after the making of these regulations, a servant or partner of an alien enemy or of a person declared to be an enemy under the War Regulations, or a servant or member of a company or firm so declared to be an enemy, the Attorney-General may from time to time by notice given to that person impose such restrictions as he thinks fit upon the scope or nature of any business carried on or to be carried on by him, or upon the mode of carrying on any such business.

(b.) No such restrictions on the business of any person shall be so imposed or shall remain in force at any time later than six months after that person has ceased to be a servant or partner of an enemy or of an alien enemy, or a servant or member of an enemy firm or company as aforesaid.

(c.) So long as any such restrictions remain in force no person shall carry on or be in any manner concerned in carrying on any business in breach of those restrictions.

(d.) This regulation shall extend and apply to a person, firm, or company declared to be an enemy before the making of these regulations.

12. Clause 19 of the War Regulations of the 3rd day of April, 1916 (by which it is made unlawful to trade with a company or firm carrying on business elsewhere than in the British Dominions, and having or having had at the commencement of the present war its chief place of business in enemy territory), is hereby amended by adding thereto the following paragraph:—

“(e.) For the purposes of this regulation, and without in any manner limiting the generality thereof, a company or firm shall be deemed to have or to have had its chief place of business in enemy territory if that company or firm is or was at the commencement of the present war subsidiary to or substantially under the control of or carrying on business in the interests of any other company or firm incorporated or established in enemy territory.”

13. Whenever by virtue of the War Regulations or any declaration made thereunder, whether before or after the date of the present regulations, it is unlawful to purchase goods from any person, firm, or company, it shall also be unlawful to purchase or otherwise procure from any other person, firm, or company being or carrying on business out of New Zealand any goods wholly or partially manufactured or produced by such first-mentioned person, firm, or company.

14. When any person, firm, or company has been declared to be an enemy under the War Regulations (whether before or after the date of the present regulations), and while such declaration remains in force, it shall not be lawful to publish in any newspaper any advertisement of the goods or merchandize manufactured, produced, or sold by that enemy or of the business carried on by that enemy; provided that nothing in this regulation shall apply to the Public Trustee in his capacity as Controller of any business under the War Regulations.

15. When shares in a company have been vested in the Custodian of Enemy Property under clause 3 of the War Regulations of the 2nd day of May, 1916, it shall be lawful for the company to buy those shares and to become registered as the owner thereof, and to resell the shares so purchased by it, anything in any Act or in the constitution or regulations of the company to the contrary notwithstanding.

16. Clause 20 of the War Regulations of the 3rd day of April, 1916, is hereby amended by inserting therein the following sub-clause after subclause (b) thereof:—

“(bb.) If the Attorney-General is satisfied that any person resident out of New Zealand is an alien enemy and is carrying on business with persons, firms, or companies in New Zealand he may, by notice in the *Gazette*, declare such first-mentioned person to be an enemy.”

17. (1.) When the Attorney-General is satisfied that any goods or merchandize are enemy property within the meaning of clause 1 of the War Regulations of the 3rd day of April, 1916, he may authorize the Public Trustee, as the Custodian of Enemy Property, to take possession of such goods or merchandize and to sell the same, and every such authority shall have effect according to the tenor thereof.

(2.) All moneys received by the Custodian of Enemy Property from the sale of any such goods and merchandize shall, after payment thereout of all sums lawfully payable in respect of such goods or merchandize to any person other than an enemy, be invested and dealt with in accordance with clause 14 of the War Regulations of the 3rd day of April, 1916.

PROPERTY OF PRISONERS OF WAR.

18. In the following regulations “prisoner of war” means any person detained in New Zealand under the order of a military authority, or otherwise detained as a prisoner of war.

19. (1.) The Public Trustee may be appointed as the custodian of the property of any prisoner of war—

(a.) By that prisoner of war; or

(b.) By the Attorney-General in any case where he considers it necessary that a custodian should be appointed.

(2.) Any such appointment shall be in writing, and may be revoked at any time by the Attorney-General by notice in writing to the Public Trustee.

20. The Public Trustee, when so appointed, shall have the following powers in respect of the property of that prisoner of war:—

- (a.) To take and retain possession of all property whatever belonging to that prisoner of war:
- (b.) To collect, receive, and retain all moneys payable to that prisoner of war:
- (c.) To sue in his official name for all debts due and moneys payable to that prisoner of war:
- (d.) Out of any moneys received by him as Custodian to pay and discharge any debts or liabilities of that prisoner of war, and to pay such reasonable sums as he considers necessary for the maintenance of the wife and children (if any) of that prisoner of war:
- (e.) Where the moneys received by him are not sufficient to pay all debts and liabilities of that prisoner of war, to sell any personal property of that prisoner of war for that purpose:
- (f.) To manage and carry on or permit to be carried on the business of that prisoner of war as a going concern, and for that purpose to appoint such agents or servants as he considers necessary, and pay them such remuneration as he thinks fit.

21. All powers conferred upon the Custodian by these regulations may be exercised by him either personally or through such representative as he may think fit to appoint in that behalf.

22. All expenses incurred by the Custodian (including such reasonable charges as he thinks fit to make for his services) in the exercise of his powers in respect of the property of any prisoner of war shall be payable out of the moneys received by him as Custodian of that property.

23. The balance of the moneys received by the Custodian in respect of the property of any prisoner of war, after making all payments hereinbefore authorized, shall form part of the common fund of the Public Trust Office and shall be held on account of that prisoner of war, and there may be paid thereout to the prisoner of war such reasonable sums as the Custodian thinks fit.

MISCELLANEOUS.

24. For the purposes of this and all other War Regulations, whether made before or after the making of the present regulations,—

- (a.) The wife of an alien enemy shall be deemed to be an alien enemy:
- (b.) The wife of an alien enemy, who is not himself a natural-born British subject, shall be deemed to be an alien enemy who is not a natural-born British subject.

25. No male person over the age of eighteen years shall be shipped as a member of the crew of an oversea vessel unless he produces to the Superintendent of Mercantile Marine—

- (a.) A certificate of discharge in New Zealand from an oversea vessel within the immediately preceding twelve months, or discharges for at least twelve months' service in vessels in the coasting trade of New Zealand; or
- (b.) A permit to leave New Zealand issued under the War Regulations of the 15th day of November, 1915, and still in force.

26. (a.) Where the Attorney-General is satisfied that any person is not ordinarily resident in New Zealand and is disaffected, disloyal, or likely to be a source of danger to the peace, order, and good government of that Dominion, the Attorney-General may at any time within six months after that person has arrived in New Zealand, whether before or after the date of this regulation, order him to leave New Zealand.

(b.) If that order is not complied with within seven days from the date of the service thereof, any officer may without warrant arrest that person and place him on board any vessel about to leave New Zealand for the country from which he came to New Zealand, and detain him on board that vessel until it has left New Zealand.

(c.) Such sum as the Attorney-General considers reasonable may be paid to the owner or master of any such vessel on account of the carriage of any person so ordered to leave New Zealand and arrested, and after payment or tender of that sum the owner

or master of that vessel shall not refuse to receive or retain on board thereof the person so arrested or the officer in whose custody he is.

(d.) No person so ordered to leave New Zealand shall at any time after compliance with the order, or after having been so placed on board any vessel, return to or land in New Zealand.

27. The permit required under clause 5 of the War Regulations of the 20th day of September, 1915 (relative to the sale, transfer, supply, or procurement of firearms or ammunition), may be signed and issued by a constable in charge of a country station.

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

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

Trading with Enemies.—License by Attorney-General.

WHEREAS, in exercise of the authority conferred upon the Attorney-General by regulations made under the War Regulations Act, 1914, divers companies, firms, and persons carrying on business out of New Zealand, but not in enemy territory, have been or may hereafter be declared to be enemies: And whereas it is illegal to trade with any company, firm, or person so declared to be an enemy, save so far as such trading may be permitted by a license issued by the Attorney-General: And whereas it is deemed expedient to permit in certain cases the completion of transactions pending at the time when any such declaration is made:

Now, therefore, I, Alexander Lawrence Herdman, His Majesty's Attorney-General for New Zealand, do hereby, in exercise of the power conferred upon me by clause 20 of the War Regulations of the 3rd day of April, 1916, license and permit all persons, firms, and companies in New Zealand to trade with any such enemy as aforesaid carrying on business out of New Zealand, but not in enemy territory, to the following extent and for the following purposes:—

1. To receive, pay for, and dispose of any goods which have been shipped in the country of exportation for importation into New Zealand before the date at which such enemy was declared an enemy.

2. To pay for and dispose of all goods already in New Zealand at the time when such enemy is so declared an enemy, whether such goods are held on consignment for sale or otherwise.

3. With the consent of the Comptroller of Customs, but not otherwise, to import, pay for, and dispose of any other goods, if those goods are imported in pursuance of a contract for the purchase thereof entered into between the importer and such enemy before he was declared an enemy.

4. To pay to such enemy all moneys owing to him before he was declared an enemy.

Dated this 24th day of July, 1916.

A. L. HERDMAN,
Attorney-General.

Prohibiting the Exportation of Sheep-skins (with or without Wool), Pig-skins, and Pelts.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-fourth day of July, 1916.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by section forty-seven of the Customs Act, 1913, as extended by section twenty-four of the Regulation of Trade and Commerce Act, 1914, it is enacted that the Governor may from time to time, by Order in Council gazetted, prohibit the exportation of any goods the prohibition of the exportation of which is in his opinion necessary in the public interest:

And whereas by Order in Council made on the tenth day of April, one thousand nine hundred and sixteen, and gazetted on the same day, in pursuance of the said Acts, the exportation of various goods was prohibited :

And whereas it is now deemed expedient to amend the aforesaid Order in Council in the manner hereinafter appearing :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of the powers and authorities conferred upon him by section forty-seven of the Customs Act, 1913, and section twenty-four of the Regulation of Trade and Commerce Act, 1914, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of that Dominion, doth hereby amend the aforesaid Order in Council of the tenth day of April, one thousand nine hundred and sixteen, in manner following :—

1. The Third Schedule thereto, containing a list of goods the exportation of which is prohibited to any other destination than the United Kingdom except with the consent of the Minister of Customs, is amended by omitting the words "Woolled sheep-skins," and by adding the words "Sheep-skins (with or without wool), pig-skins, and pelts, including grains and linings."

2. The Fifth Schedule thereto is amended by omitting the words "Sheep-skins (without wool), pig-skins, pelts."

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