



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

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WELLINGTON, FRIDAY, OCTOBER 13, 1916.

Additional Regulations under the War Regulations Act, 1914.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this thirteenth day of October,
 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 that Dominion, do hereby, in pursuance of the War Regulations Act, 1914, and the Acts amending the same, make the following regulations under those Acts.

REGULATIONS.

CERTIFICATES FOR IMPORTED GOODS.

1. In these regulations—

“Uncertificated goods” means goods for which a certificate of interest or a certificate of origin and interest, as hereinafter defined, is required by these regulations and has not been produced and delivered in conformity therewith:

“Prohibited goods” means (a) goods the importation of which is prohibited by an Order in Council under the Customs Act, 1913, and the Regulation of Trade and Commerce Amendment Act, 1915; (b) goods imported, purchased, procured, or otherwise dealt with by the importer or any other person under such circumstances that an offence has been thereby committed against the Trading with the Enemy Act, 1914, or the War Regulations, or would have been thereby committed against such Act or regulations if those circumstances had been fully known:

“Collector of Customs” and “importer” have the same meanings as in the Customs Act, 1913:

“Foreign country” means any country other than the United Kingdom or a British possession or protectorate, but does not include enemy territory in the military occupation of His Majesty.

2. (1.) A certificate of origin and interest is required in respect of all goods imported into New Zealand from the countries mentioned in the First Schedule hereto.

(2.) A certificate of origin and interest is a certificate issued by a British consular officer in the country from which the goods have been imported to the effect that it has been proved to his satisfaction that the goods have not been produced or manufactured in enemy territory, and that no person who is an enemy or is treated as an enemy under any law or Proclamation for the time being in force in the United Kingdom relating to trading with the enemy or with persons of enemy nationality or association has any interest in the goods.

3. (1.) A certificate of interest is required in respect of all goods imported into New Zealand from the countries mentioned in the Second Schedule hereto.

(2.) A certificate of interest is a certificate issued by a British consular officer in the country from which the goods have been imported to the effect that it has been proved to his satisfaction that no person who is an enemy or is treated as an enemy under any law or Proclamation for the time being in force in the United Kingdom relating to trading with the enemy or with persons of enemy nationality or association has any interest in the goods.

4. If a Collector of Customs has reason to believe or suspect that any goods imported into New Zealand are goods in respect of which a certificate of interest or a certificate of origin and interest is required by these regulations, he shall detain those goods, and they shall not be delivered from the control of the Customs until the importer has produced and delivered to the Collector a certificate of interest, or of origin and interest, as the case may be, or has satisfied the Collector or the Comptroller of Customs that no such certificate is required by these regulations.

5. The foregoing regulations as to certificates shall not apply to any goods as to which the Collector is satisfied that they have left the country of exportation before the 15th day of October, 1916. All such goods shall remain subject to the War Regulations of the 26th day of January, 1915, relating to certificates of origin in the same manner as if those regulations had not been revoked.

DETENTION OF SUSPECTED IMPORTS.

6. When any goods are imported into New Zealand and a Collector of Customs has reason to believe or suspect that those goods are prohibited goods, as hereinbefore defined, he may detain the goods, and they shall not be delivered from the control of the Customs until the Collector is satisfied that they are not prohibited goods, unless the Comptroller of Customs, being satisfied either that they are not prohibited goods or that their delivery is advisable in the public interest, authorizes the delivery thereof from the control of the Customs.

GENERAL PROVISIONS AS TO DETENTION OF IMPORTS.

7. On any goods being detained under these regulations as being uncertificated or prohibited, notice of the detention thereof under these regulations may be given by or on behalf of the Collector to the importer or to his agent; and after the receipt of such notice it shall not be lawful, so long as the detention continues, for the importer or any other person, without the written consent of the Comptroller of Customs, to pay or remit to any person any sum of money in respect of the purchase or consignment of those goods, or to accept, make, pay, negotiate, or otherwise deal with any Bill of Exchange or other negotiable instrument for the price of those goods or otherwise having relation thereto.

8. If any goods are detained by a Collector of Customs under these regulations as being uncertificated, and the Comptroller of Customs is satisfied by a statutory declaration or otherwise that the failure to procure and deliver the requisite certificate was not wilful on the part of the importer, and also that there is no sufficient reason for detaining the goods under clause 6 of these regulations as being prohibited goods, the Comptroller of Customs may, if he thinks fit, in his discretion, cause the goods to be delivered from the control of the Customs on payment by the importer by way of penalty of a sum not exceeding 10 per cent. of the fair market value thereof, as defined by section 114 of the Customs Act, 1913, and all sums so paid shall be accounted for and dealt with as Customs revenue.

9. While any goods are detained under the authority of these regulations it shall not be lawful for any person to take possession of the same or to interfere in any other manner with the right of detention or control hereby conferred upon the Collector of Customs.

10. The foregoing regulations or the exercise of the powers thereby conferred shall in no way exclude or affect any provisions as to forfeiture or punishment contained in the Customs Act, 1913, the Trading with the Enemy Act, 1914, the War Regulations, or any other Act or regulations in that behalf.

11. The War Regulations of the 7th day of June, 1915, relating to the detention of suspected goods, together with clause 13 of the War Regulations of the 2nd day of May, 1916, relating to the same matter, are hereby revoked, but shall nevertheless continue to apply to all goods detained or moneys deposited in pursuance thereof before the coming into operation of the present regulations.

12. (1.) The War Regulations of the 26th day of January, 1915, relating to certificates of origin, are hereby amended by revoking clauses 11, 12, 13, 14, 15, and 18 thereof and the Second Schedule thereto.

(2.) The War Regulations of the 8th day of March, 1915, and of the 10th day of April, 1916, relating to certificates of origin, are hereby revoked.

ARMY CONTRACTS.

13. (1.) In these regulations—

“Army contract” means a contract made by any person with the Crown (whether before or after the coming into operation of these regulations) in respect of or for the purposes of the present war:

“Army contractor” means any person who is a party to an army contract made with the Crown (whether before or after the coming into operation of these regulations).

(2.) Every person who (whether before or after the coming into operation of these regulations) has made any contract with an army contractor in respect of or for the purposes of an army contract made by that army contractor, and who commits any wilful breach of the contract so made by him with the army contractor, whereby or in consequence of which any breach of the army contract, whether wilful or not, is committed by the army contractor, shall be guilty of an offence against the War Regulations Act, 1914, and shall be liable accordingly.

(3.) Without in any manner limiting the generality of the foregoing provisions, every person who, being in the employment of an army contractor, wilfully commits any breach of his contract of service, whereby or in consequence of which any breach of an army contract, whether wilful or not, is committed by the army contractor, or commits or is a party to any wilful act or default with intent that any such breach of an army contract shall be committed by the army contractor, shall be guilty of an offence against the War Regulations Act, 1914, and shall be liable accordingly.

(4.) Nothing in these regulations shall in any manner restrict or affect the operation of any other War Regulations relative to contracts made with the Crown.

MISCELLANEOUS.

14. Clause 1 of the War Regulations of the 24th day of July, 1916, relating to licenses for the importation of goods, is hereby amended by adding the following subclause thereto:—

(c.) Without in any manner limiting the generality of the foregoing provisions, goods shall for the purpose of this regulation be deemed to be imported from any country in which they have been wholly or partially manufactured or produced, or in which any person from or through whom they have been produced has his chief place of business.

15. (1.) 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, it shall also be unlawful to purchase or otherwise procure from any other person, being or carrying on business out of New Zealand, any goods wholly or partly manufactured or produced by, or sold by, or procured from or through such first-mentioned person.

(2.) Clause 13 of the War Regulations of the 24th day of July, 1916, is hereby revoked.

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

FIRST SCHEDULE.

COUNTRIES IN RESPECT OF WHICH CERTIFICATES OF ORIGIN AND INTEREST ARE REQUIRED.

Norway.	Holland.
Sweden.	Switzerland.
Denmark.	

SECOND SCHEDULE.

COUNTRIES IN RESPECT OF WHICH CERTIFICATES OF INTEREST ARE REQUIRED.

ALL foreign countries except—

Those mentioned in the First Schedule.

France, Italy, Russia, Japan, Rumania, Portugal, China, Siam, Hayti, the United States of America, and French possessions in the South Pacific.

F. W. FURBY,
Acting Clerk of the Executive Council.

Fixing the Maximum Price of Butter.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this thirteenth day of October, 1916.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by section two of the Regulation of Trade and Commerce Act, 1914, it is enacted that at any time when His Majesty is at war with any foreign prince or State the Governor may, by Order in Council gazetted, fix and determine the maximum price in New Zealand of any class of goods: And whereas it is expedient to exercise in respect of butter the powers so conferred upon the Governor in Council:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of the authority so conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of that Dominion, doth hereby fix and determine the maximum price of butter in New Zealand in accordance with the provisions of the Schedule hereto; and doth hereby, with the like advice and consent, declare that this Order in Council shall come into operation on the fourteenth day of October, one thousand nine hundred and sixteen.

SCHEDULE.

1. THE maximum wholesale price of butter as sold by the manufacturer and delivered in boxes at the factory on the usual trade terms as established at the date of this Order in Council shall be one hundred and forty-nine shillings and fourpence per hundredweight.

2. In the case of butter sold by the manufacturer otherwise than for delivery at the factory in boxes on the usual trade terms aforesaid, the maximum wholesale price thereof shall be a price equivalent, as regards the seller, to the maximum price above mentioned.

3. In the case of butter sold otherwise than by the manufacturer, and whether wholesale or retail, the maximum price thereof shall be the maximum price mentioned in clause 1 of this Schedule with such increase only as is in accordance with the established custom of the trade as existing at the date of this Order in Council with respect to the relation between the price of butter so sold and the wholesale price of butter at the factory.

4. Nothing in this Order in Council shall apply to butter destined by the purchaser for exportation and not for consumption or use in New Zealand. Exportation includes shipment as ship's stores.

F. W. FURBY,
Acting Clerk of the Executive Council.

Prohibiting the Export of Butter and Cheese.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this thirteenth day of October, 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 by Order in Council prohibit the exportation of any goods the prohibition of the exportation of which is in his opinion necessary in the public interest: And whereas in the opinion of the Governor it is necessary in the public interest that the exportation of butter and cheese should be prohibited to the extent and in the manner hereinafter appearing:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of the authority 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 revoke the Order in Council of the eleventh day of May, one thousand nine hundred and sixteen, prohibiting the export of butter save with the consent of the Minister of Customs; and doth hereby, with the like advice and consent, prohibit to the extent and subject to the conditions set out in the Schedule hereto the exportation of butter and cheese from the said Dominion; and doth hereby, with the like advice and consent, declare that this Order in Council shall come into operation on the fourteenth day of October, one thousand nine hundred and sixteen.

SCHEDULE.

1. No butter or cheese shall be exported from New Zealand unless it has been manufactured (whether before or after the date of this Order in Council) at a factory in respect of which an export license has been issued under this Order in Council and is in force at the time of the shipment of the goods upon the exporting ship.

2. Export licenses under this Order in Council may be granted by the licensing authority hereinafter mentioned to any company, firm, or person engaged in the manufacture of butter or cheese, in respect of the factory or factories of that company, firm, or person.

3. Every such export license shall be revocable at the will of the said licensing authority.

4. In the grant, refusal, or revocation of such licenses the licensing authority shall not differentiate between the factories of different companies, firms, or persons save by reason of the refusal or failure of any company, firm, or person to accept or fulfil the terms and conditions of the grant or continuance of export licenses under this Order in Council.

5. An export license shall be granted only on the terms that the licenseholder undertakes to pay to the Crown the charge hereinafter specified on all butter-fat consumed by the licenseholder in the manufacture of butter or cheese at any factory or factories during the continuance of his license, and also on all butter-fat which has been already consumed by the licenseholder in the manufacture of butter and cheese at any factory or factories in the interval between the 31st day of August, 1916, and the first grant to him of an export license.

6. The aforesaid charge shall be at the rate of three-farthings per pound of butter-fat, or at such greater or smaller rate as may from time to time be determined by the licensing authority with the approval of the Board of Trade established under the Cost of Living Act, 1915; provided that any such alteration of the charge shall take effect only with respect to butter-fat consumed after the date on which such alteration has been notified by the publication thereof in the *Gazette* by the licensing authority.

7. The said charge shall be payable to the licensing authority on behalf of the Crown at such times and in such manner as may be prescribed by the export license.

8. (1.) All moneys paid by way of the charge aforesaid shall be credited to a deposit account by the licensing authority, and shall be

available in the hands of that authority for expenditure, with the approval of the said Board of Trade, on the following purposes:—

- (a.) The payment from time to time of the expenses incurred by the licensing authority or by any Department of the Government, or by the Board of Trade, in administering the system of export licenses hereby established.
- (b.) The distribution from time to time among the several holders of export licenses of such sums as may be deemed justly payable in order to compensate those holders for any loss incurred by them in disposing of butter of their own manufacture for home consumption instead of for export, during any period in respect of which the aforesaid charge on butter-fat has been paid by them.
- (c.) In refunding to the payers of the charge all sums not expended for the aforesaid purposes.

(2.) The determination of the Board of Trade as to the expenditure of such moneys shall for all purposes be final and conclusive.

9. Every export license shall be issued on the terms that if any dispute arises between the licenseholder and the licensing authority as to the amount of the charge to be paid by the licenseholder, the dispute shall be referred to the said Board of Trade, whose decision thereon shall be final.

10. Every export license shall be issued on the terms that the licenseholder shall from time to time make to the licensing authority such returns relative to the business of the licenseholder as that authority may from time to time require for the purposes of this Order in Council, those returns to be verified by statutory declaration if and so far as the licensing authority so requires.

11. Every export license may be issued on such further terms and conditions as the licensing authority considers necessary for the effective administration of this Order in Council.

12. No export license shall be granted to any company, firm, or person until that company, firm, or person has entered into a written agreement with the licensing authority, on behalf of the Crown, to pay the said charge and to observe and perform all the terms and conditions of the license.

13. Notwithstanding anything contained in this Order in Council, butter and cheese may, with the leave of a Collector of Customs, be shipped for exportation as ship's stores at any time before the 28th day of October, 1916, without the necessity of an export license, if the Collector is satisfied that the quantity so shipped does not exceed the quantity reasonably required by the ship for its outward and return voyage.

14. The licensing authority for the purposes of this Order in Council shall be such officer of the Government service as may be nominated in that behalf by the Minister of Agriculture.

15. Nothing in this Order in Council shall apply to whey-butter, or to milled butter, or to farmers' dairy butter or cheese.

16. Save and except that the Order in Council of the 11th day of May, 1916, is hereby revoked as aforesaid, nothing in this present Order in Council, or in any export license granted in pursuance thereof, shall in any manner take away or affect the operation of any other Orders in Council by which the export of butter or cheese is already in any manner prohibited or restricted; and all existing Orders in Council made under the Customs Act, 1913, and the Regulation of Trade and Commerce Act, 1914, relative to the exportation of goods shall have full force and effect according to their tenor concurrently with the present Order in Council, and in the same manner as if the said Order in Council of the 11th day of May, 1916, had never been in force.

F. W. FURBY,

Acting Clerk of the Executive Council.

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