



NEW ZEALAND GAZETTE

EXTRAORDINARY.

Published by Authority.

WELLINGTON, FRIDAY, MAY 2, 1919.

War Regulations for the Protection of Soldiers and Discharged Soldiers.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL

At the Government Buildings at Wellington, this twenty-ninth day of April, 1919.

Present:

THE HONOURABLE SIR JAMES ALLEN, K.C.B., PRESIDING IN COUNCIL.

WHEREAS by section twenty-six of the War Legislation and Statute Law Amendment Act, 1918, it is provided that the Governor-General in Council may by regulations under the War Regulations Act, 1914, make such provisions as he deems just and necessary for the protection of soldiers or discharged soldiers from the execution of civil judgments or process, proceedings in bankruptcy, forfeitures, the exercise of rights of distress or re-entry, the exercise of rights of sale or entry into possession in pursuance of any mortgage or other security, or the enforcement in any other manner of the civil obligations or liabilities of soldiers or discharged soldiers:

And whereas it is expedient to revoke the several Orders in Council now in force under the War Regulations Act, 1914, relative to the aforesaid matters and to make other provision in lieu thereof:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance of the authority so conferred upon him by the War Legislation and Statute Law Amendment Act, 1918, and of all other 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 Orders in Council specified in the Schedule hereto, and doth hereby make the following regulations in lieu thereof; and doth hereby declare that nothing in this Order in Council shall be so construed as to supersede or in any manner affect the Order in Council

made on the seventh day of May, one thousand nine hundred and eighteen, under the War Regulations Act, 1914, for the protection of the guarantors of soldiers against bankruptcy proceedings or the execution of civil process.

REGULATIONS.

1. THESE regulations may be cited as the Soldiers' Protection Regulations, 1919.

2. In these regulations—

“Soldier” means a member of an Expeditionary Force under the Expeditionary Forces Act, 1915, who is in receipt of military pay as such, or who is on leave without pay after his return to New Zealand from military service beyond the seas:

“Discharged soldier” means a person who has in any manner ceased to be a member of any such Expeditionary Force after military service as such beyond the seas:

“Recently discharged soldier” means a discharged soldier at any time within the six months immediately succeeding his return to New Zealand after military service beyond the seas:

“Assisted discharged soldier” means a discharged soldier who is for the time being indebted to the Crown in respect of any loan granted to him, with or without security, under the Discharged Soldiers Settlement Act, 1915, or the Repatriation Act, 1918.

3. Without the previous consent in writing of the Attorney-General granted on the recommendation of a Stipendiary Magistrate it shall not be lawful for any person—

- (a.) To issue any process of execution against the property of a soldier, or recently discharged soldier, or assisted discharged soldier in pursuance of any judgment, decree, or order of any Court in its civil jurisdiction, whether obtained before or after the making of these regulations; or
- (b.) To seize or sell the property of any soldier, recently discharged soldier, or assisted discharged soldier by way of distress for rent; or
- (c.) To file a bankruptcy petition against a soldier, recently discharged soldier, or assisted discharged soldier; or
- (d.) To exercise (otherwise than with the leave of the Supreme Court under the Mortgages Extension Act, 1914) any power of sale conferred by any mortgage, bill of sale, or other security over the property of a soldier, recently discharged soldier, or assisted discharged soldier, whether that mortgage, bill of sale, or security was given before or after the making of these regulations, and whether the person whose property is subject thereto became a soldier, recently discharged soldier, or assisted discharged soldier before or after the date of the mortgage, bill of sale, or security.

SCHEDULE.

ORDERS IN COUNCIL REVOKED.

Order in Council dated the 31st day of July, 1916, relative to the protection of soldiers against arrest or criminal proceedings under the Destitute Persons Act, 1910, or the Imprisonment for Debt Limitation Act, 1908.

Order in Council dated the 16th day of March, 1917, relative to the protection of soldiers against distress for rent, bankruptcy proceedings, and the execution of civil process.

Order in Council dated the 18th day of June, 1917, amending the last-mentioned Order in Council.

Order in Council dated the 1st day of October, 1917, relative to the protection of soldiers against the enforcement of certain securities.

F. W. FURBY,

Acting Clerk of the Executive Council.