



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, FRIDAY, SEPTEMBER 1, 1939.

The Naval Mobilization Emergency Regulations 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, and with a view to giving further effect in New Zealand to the calling-out of the Reserves of the Royal Navy, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

1 : 1. These regulations may be cited as the Naval Mobilization Emergency Regulations 1939.

1 : 2. In these regulations, unless inconsistent with the context,—

“ Naval Board ” means the Naval Board of New Zealand established by the Naval Defence Amendment Act, 1936 ;

“ Director of Naval Reserves ” means any officer for the time being appointed by the Naval Board to administer under their direction the Naval Reserves in New Zealand ;

“ His Majesty’s Naval Forces ” includes the New Zealand Naval Forces and any Naval Force raised by the Government of any territory forming part of His Majesty’s Dominions ;

“ Naval Discipline Act ” includes the Imperial Act called the Naval Discipline Act, 1866, and the amendments thereof ;

“ Naval Reserves ” includes all persons of any of the following classes, namely :—

(a) Retired officers of the Royal Navy ;

(b) Officers whose names are on the Emergency List of the Royal Navy ;

(c) Officers of the Royal Naval Reserve (Active or Retired) of the Royal Navy ;

(d) Officers of the Royal Naval Volunteer Reserve (Active or Retired) of the Royal Navy ;

(e) Retired officers of the New Zealand Naval Forces ;

(f) Officers of the Royal Naval Reserve and Royal Naval Volunteer Reserve (Active or Retired) of the New Zealand Naval Forces ;

(g) Pensioners of the Royal Navy ;

(h) Royal Fleet Reservists, Classes A and B, of the Royal Navy ;

(j) Men of the Royal Naval Reserve and Royal Naval Volunteer Reserve of the Royal Navy ;

(k) Men of Classes A (Active and Inactive), B, C, and D of the New Zealand Naval Reserves ;

(l) All other officers and men liable for service in any of His Majesty's Naval Forces by reason of membership active or retired in any such forces or in any reserve organization connected therewith.

1 : 3. So far as these regulations apply to persons who are subject to the Acts of the Parliament at Westminster referred to in the Schedule hereto or are subject to the Naval Discipline Act otherwise than by reason of the application of that Act to New Zealand as part of the law of New Zealand by section 18 of the Naval Defence Act, 1913, these regulations shall be deemed to be supplementary to the said Acts and to all Proclamations, Orders in Council, directions, and orders heretofore or hereafter made or given thereunder.

1 : 4. So far as these regulations apply to persons who are or at any time have been subject to the Naval Defence Act, 1913, these regulations shall take effect, notwithstanding anything contained in the Naval Defence Act, 1913, or in any regulations made thereunder and now in force.

1 : 5. So far as these regulations apply to persons who are members of the New Zealand Royal Naval Reserve (Men) constituted by regulations made under the Naval Defence Act, 1913, on the 10th day of July, 1922, these regulations shall be deemed to have the same effect as if a Proclamation had been issued under Article 60 of the said regulations made on the 10th day of July, 1922, calling into active service Royal Naval Reserve men of all classes.

REGULATION 2.—NAVAL RESERVE OFFICERS.

2 : 1. All persons who are Retired Officers of the New Zealand Naval Forces including the Royal Naval Reserve (New Zealand Division) and the Royal Naval Volunteer Reserve (New Zealand Division) shall be liable to be called into active employment in case of war or of emergency.

2 : 2. It shall be the duty of every retired officer of the New Zealand Naval Forces to hold himself at the disposal of the Naval Board and to obey a personal summons sent to him under these regulations.

2 : 3. The reference in Regulation 4 : 6 hereof to being of the age of sixty years or upwards shall have no application to a retired officer of the New Zealand Naval Forces. Nevertheless, the Naval Board will, so far as the public interest admits, make the first selection of retired officers for employment from those who are under the age of sixty years at the time of coming into force of these regulations.

REGULATION 3.—DUTY TO REPORT.

3:1. All men of the Naval Reserves as herein defined, except members of Class D of the Royal Naval Reserve (New Zealand Division), shall, within seven days of the coming into force of these regulations, report in writing their full names and complete postal addresses to the Director of Naval Reserves at the Navy Office, Wellington.

3:2. Except as provided by the last preceding regulation, no obligation to report is imposed by these regulations on any member of the Naval Reserves as herein defined until a personal summons has been sent to him as herein provided, and no such member shall proceed to any naval ship, establishment, or place unless and until so directed by a personal summons sent under these regulations.

REGULATION 4.—PERSONAL SUMMONS.

4:1. The Director of Naval Reserves or any officer whom the Naval Board may appoint to act in his stead and who purports to act on behalf of the Naval Board may issue to any member of the Naval Reserves as herein defined a notice in writing instructing him to proceed to any ship, establishment, or place for service in the Naval Forces.

4:2. So far as concerns members of the Naval Reserves of the Royal Navy from time to time for the time being resident or present in New Zealand, any personal summons shall be deemed to have been given by the Naval Board on behalf and by direction of the Lords Commissioners of the Admiralty in Great Britain and in conformity with instructions of the said Lords Commissioners communicated to the Naval Board.

4:3. A personal summons shall be sufficient if sent by ordinary post letter addressed to the member of the Naval Reserves at his usual or last known place of abode or business, and shall be deemed to be given at the time when it would be delivered at its address in the ordinary course of post.

4:4. Every personal summons shall direct the person named therein to proceed to the ship, establishment, or place therein appointed so as to reach it by the time or on the date mentioned in the summons (according to the terms thereof), and there to report to the officer indicated in the summons.

4:5. A time for reporting to be mentioned in a personal summons shall be not less than forty-eight hours after the time of receipt of the summons, and a date for reporting to be mentioned in a summons shall be not earlier than the second day after the day of service of the summons.

4:6. Every person who fails to report within the time or on the date mentioned in the personal summons at the appointed ship, establishment, or place to the officer indicated in the summons shall be guilty of an offence against these regulations:

Provided that this regulation is without prejudice to his liability to be proceeded against under any other provision of law.

4 : 7. Nevertheless, it shall be a defence to any person proceeded against under the provisions of the last preceding regulation if such person proves :—

- (a) That he did not receive the personal summons and took no steps to evade receiving it, whether by concealing or failing to notify his usual place of abode or business, or by absenting himself from his usual place of abode or business, or otherwise ; or
- (b) That by reason of long distance from the appointed ship, establishment, or place he was unable to reach it within the prescribed time, but that by telegraphic message to the officer indicated in the summons he explained his situation and obeyed to the best of his ability any instructions sent in reply to his message ; or
- (c) That he was of the age of sixty years or upwards or was through sickness or infirmity unable to obey the personal summons.

4 : 8. Every person to whom a personal summons is given shall from the time when it is deemed to be given be a person subject to the Naval Discipline Act within the meaning of section 87 of that Act.

REGULATION 5.—DESERTERS AND HARBOURERS.

5 : 1. All persons who deserted from His Majesty's Naval Forces before the coming into force of these regulations shall be deemed to be Naval Reserves for the purposes of these regulations.

5 : 2. Any person who deserted from His Majesty's Naval Forces before the coming into force of these regulations and who within forty-eight hours of the coming into force of these regulations reports in writing his full name, rank, and complete postal address to the Director of Naval Reserves at the Navy Office, Wellington, shall not be proceeded against on account of any act of desertion committed before the coming into force of these regulations.

5 : 3. Any person who harbours or conceals or assists a person whom he knows or has reasonable grounds to believe to be summoned to report and to have failed to report as required by these regulations commits an offence against these regulations :

Provided that this regulation is without prejudice to his liability to be proceeded against under any other provision of law.

SCHEDULE.

THE Acts to be cited as the Royal Naval Reserve Acts, 1859 to 1927, namely :—

- The Royal Naval Reserve (Volunteer) Act, 1859 (Imperial).
- The Royal Naval Reserve (Volunteer) Act, 1896 (Imperial).
- The Naval Reserve (Mobilization) Act, 1900 (Imperial).
- The Naval Reserve Act, 1900 (Imperial).
- The Royal Naval Reserve Act, 1902 (Imperial).
- The Naval Forces Act, 1903 (Imperial).
- The Royal Naval Reserve Act, 1927 (Imperial).

The Acts to be cited as the Naval Reserve (Officers) Acts, 1863 and 1926, namely :—

- The Officers of Royal Naval Reserve Act, 1863 (Imperial).
- The Naval Reserve (Officers) Act, 1926 (Imperial).

C. A. JEFFERY,
Clerk of the Executive Council.