



THE
NEW ZEALAND GAZETTE
EXTRAORDINARY.

Published by Authority.

WELLINGTON, TUESDAY, JUNE 18, 1940.

The National Service Emergency Regulations 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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) These regulations may be cited as the National Service Emergency Regulations 1940.

(2) These regulations are arranged as follows:—

Regulation 1.—Preliminary.

ADMINISTRATION.

Regulation 2.—Minister of National Service.

Regulation 3.—Director of National Service.

Regulation 4.—Delegation of Powers by Minister and Director.

THE GENERAL RESERVE.

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APPEALS.

- Regulation 21.—Appeal by Reservists called up.
 Regulation 22.—Armed Forces Appeal Boards.
 Regulation 23.—Deputy Members of Appeal Boards.
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 Regulation 25.—Commissions of Inquiry Act applied.
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MEDICAL EXAMINATION AND TREATMENT.

- Regulation 34.—National Medical Committee.
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 Regulation 37.—Examination of Reservists called up.
 Regulation 38.—Report of Medical Board.
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 Regulation 40.—Medically Unfit Members of the Armed Forces.
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LOCAL SUBDIVISIONS OF THE RESERVE.

- Regulation 42.—District Registers of the Reserve.

APPLICATION FOR ENROLMENT IN THE RESERVE.

- Regulation 43.—Application to be made for Enrolment.
 Regulation 44.—Men failing to Apply for Enrolment may be called up for Service.

VOLUNTARY ENLISTMENT.

- Regulation 45.—Power to suspend Voluntary Enlistment.

MISCELLANEOUS.

- Regulation 46.—Employers not to dismiss Recruits before they commence Service with the Armed Forces.
- Regulation 47.—Employers not to employ Reservists unless enrolled.
- Regulation 48.—Employers not to employ Deserters.
- Regulation 49.—Enrolled Reservists to notify Changes of Address, &c.
- Regulation 50.—Power of Police to question Reservists.
- Regulation 51.—Obligation to give Information for Purposes of these Regulations.
- Regulation 52.—Notices.
- Regulation 53.—Obligation to publish or exhibit National Service Notices.
- Regulation 54.—Publication of Names of Men discharged or exempted from Overseas Service.
- Regulation 55.—Salaries and Allowances.
- Regulation 56.—Offences.
- Regulation 57.—Evidence and Procedure.

(3) In these regulations, unless the context otherwise requires,—

- “Appeal Board” means an Armed Forces Appeal Board appointed under these regulations:
- “Armed force” means any of His Majesty’s Naval, Military, or Air Forces, or any section thereof, whether raised, or required for service, in New Zealand or elsewhere:
- “Army” means the Defence Forces of New Zealand established under the Defence Act, 1909.*
- “Army Act” means the Imperial Act called the Army Act, and includes any Act continuing or amending it, and the Rules of Procedure for the time being in force made under the authority thereof respectively:
- “Authorized officer” means an officer nominated by the Naval Board of New Zealand, the Army Board, or the Air Board as an authorized officer for the purposes of these regulations:
- “Director” means the Director of National Service appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Director:
- “Medical Board” means a Medical Board appointed under these regulations:
- “Minister” means the Minister of National Service; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Minister:
- “Register” means the register prepared under these regulations of any enrolled class or classes of the Reserve:
- “Reserve” means the General Reserve constituted by these regulations:
- “Reservist” means a member of the Reserve, whether enrolled therein or not:
- “Voluntary recruit” means a man who has voluntarily enlisted in any armed force, whether before or after the commencement of these regulations.

ADMINISTRATION.

REGULATION 2.—MINISTER OF NATIONAL SERVICE.

(1) These regulations shall be administered by such Minister of the Crown as the Governor-General may from time to time appoint in that behalf.

(2) The Minister so appointed shall, for the purposes of these regulations, be known as the Minister of National Service.

* See Reprint of Statutes, Vol. II, page 575.

REGULATION 3.—DIRECTOR OF NATIONAL SERVICE.

(1) There shall from time to time be appointed for the purposes of these regulations an officer of the Public Service, to be called the Director of National Service, who shall be subject to the control of the Minister.

(2) On the occurrence from any cause of a vacancy in the office of Director, and in case of the absence from duty of the Director (from whatever cause arising), and so long as the vacancy or absence continues, the powers and functions of the Director may be exercised and performed by any person authorized in that behalf by the Minister.

(3) The fact that any person exercises or performs any power or function of the Director with the concurrence of the Minister shall be conclusive evidence of his authority so to do.

(4) For the purposes of this regulation the powers and functions of the Director shall be deemed to include such of the powers of the Minister as the Director may for the time being be authorized to exercise pursuant to a delegation under the next succeeding regulation.

REGULATION 4.—DELEGATION OF POWERS BY MINISTER AND DIRECTOR.

(1) The Minister or the Director may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any person any of his powers and functions, including the power of delegation conferred by this regulation.

(2) Subject to the next succeeding clause every person to whom any powers or functions are delegated by the Minister or by the Director may, without confirmation by the Minister or the Director, exercise or perform them in the same manner and with the same effect as the Minister or Director could himself have exercised or performed them.

(3) Every such person shall be subject in all things to the control of the Minister and of the Director, and shall act in accordance with all directions, general or special, given to him by the Minister or by the Director.

(4) Any delegation under this regulation may be made to a specified person or class of persons or to the holder or holders for the time being of a specified office or class of offices, whether in the Government service or otherwise.

(5) The fact that any person exercises any power or function of the Minister or of the Director shall, in the absence of proof to the contrary, be sufficient evidence that he has been authorized so to do by a delegation under this regulation.

THE GENERAL RESERVE.

REGULATION 5.—GENERAL RESERVE.

(1) There is hereby established a General Reserve, which shall consist of—

(a) Every person who at the commencement of these regulations has attained the age of sixteen years and is resident in New Zealand:

(b) Every person who attains the age of sixteen years at any time after the commencement of these regulations, being at that time resident in New Zealand:

(c) Every person who becomes resident in New Zealand at any time after the commencement of these regulations, having at that time attained the age of sixteen years.

(2) The Minister may from time to time divide the Reserve into such classes as he thinks fit.

(3) After any class of male reservists has been enrolled as hereinafter provided, the Minister may from time to time divide that class into such subdivisions as he thinks fit, and every such subdivision shall for the purposes of these regulations be deemed to be a separate class of the Reserve.

REGULATION 6.—ENROLMENT OF THE RESERVE.

At any time and from time to time the Governor-General may, by Proclamation, proclaim and direct the enrolment of any class or classes of the Reserve.

REGULATION 7.—PREPARATION OF REGISTER.

(1) Forthwith after the enrolment of any class or classes of the Reserve has been so proclaimed and directed as aforesaid the Director shall prepare a register of that class or those classes in such manner as the Minister directs.

(2) As soon as practicable after the gazetting of the Proclamation by which the enrolment of any class is so proclaimed and directed the Director shall issue to every person enrolled in that class a certificate of enrolment in such form as the Minister from time to time directs.

(3) The register shall be amended from time to time by correcting errors therein, adding the names of reservists thereto, and striking out the names of all persons who cease to belong to the Reserve or to the class in which they are enrolled, to the intent that the register shall at all times, so far as practicable, be a correct and complete record of all persons who for the time being belong to the class or classes so enrolled.

(4) If the Director is satisfied, whether by the production of a certificate under the hand of an authorized officer or otherwise, that any person enrolled in the Reserve has, whether before or after the commencement of these regulations, volunteered for service outside New Zealand in the armed forces, and that he has not been accepted for service, the Director shall endorse on the register a statement of that fact.

(5) Nothing done under these regulations shall be rendered in any manner invalid or unlawful by reason of any error or defect in the register.

(6) The register shall in all Courts and in all proceedings be sufficient evidence that the persons named therein belong to the class in which they are so enrolled until the contrary is proved.

(7) Any extract certified under the hand of the Director (of whose signature all Courts shall take judicial notice) shall, in all Courts and in all proceedings, be sufficient evidence, in the absence of proof to the contrary, of the contents of the register.

NATIONAL SERVICE OUTSIDE THE ARMED FORCES.

REGULATION 8.—MINISTER MAY DIRECT RESERVISTS TO PERFORM ANY SERVICES.

(1) The Minister may, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, direct any male or female reservist, or any member of any armed force who is on leave of absence, to perform such services in New Zealand as may be specified in the direction, not being services as a member of any armed force but being services which the reservist is, in the opinion of the Minister, capable of performing.

(2) Any services required by a direction given under this regulation shall be performed upon such terms as to remuneration and conditions of service as may be prescribed by the provisions of any Act, or of any regulations or orders made under any Act, or of any award or industrial agreement, or of any other agreement whatsoever that may be applicable to those services or to similar services.

(3) If no such terms are prescribed as aforesaid in respect of any services to be performed under this regulation or if a dispute arises as to what terms are so prescribed, the services shall be performed upon such terms as may be prescribed by the Minister of Labour.

REGULATION 9.—MINISTER MAY DIRECT EMPLOYEES TO REMAIN IN SPECIFIED INDUSTRIES.

The Minister may, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, direct that any persons or class of persons who are employed in any specified industry or undertaking (whether pursuant to a direction under the last preceding regulation or otherwise) shall not relinquish employment in that industry or undertaking without first obtaining the consent of the Minister.

REGULATION 10.—ADVISORY BODIES.

(1) For the purpose of assisting the Minister in the exercise of his powers under the last two preceding regulations the Minister may appoint an Advisory Council consisting of such persons as the Minister thinks fit.

(2) The functions of the Advisory Council shall be to advise the Minister as to any matters referred to it by him relating to the administration of these regulations and, if requested by the Minister so to do, to formulate proposals or plans for the utilization of the services of reservists with a view to securing the maximum efficiency.

(3) The Minister may also, if he thinks it expedient so to do, appoint advisory committees and may define their functions.

(4) The Advisory Council and every advisory committee appointed under this regulation shall hold office during the pleasure of the Minister, and shall be subject in all things to the control of the Minister.

REGULATION 11.—APPEALS AGAINST MINISTER'S DIRECTIONS.

(1) Any person affected by any direction given by the Minister under Regulation 8 or Regulation 9 hereof may at any time appeal to the Minister on the ground that by reason of his domestic circumstances or the state of his health or for any other reason compliance by him with the direction would be a cause of undue hardship.

(2) Upon receiving any such appeal the Minister shall cause the circumstances to be fully investigated and he may refer the appeal to an Appeal Board or to the Advisory Council or to any advisory committee appointed as aforesaid for inquiry and report, and if the Minister deems it just and equitable so to do he shall revoke or vary the direction in so far as it affects the appellant or take such other action in relation thereto as he thinks fit.

REGULATION 12.—PERSONS ENGAGED IN ESSENTIAL OCCUPATIONS.

(1) In this regulation the expression "person engaged in an essential occupation" means—

- (a) A man called up for service with any armed force, if an appeal on the ground that by reason of his occupation his calling up is contrary to the public interest has been allowed or adjourned, or if his obligation of service has been suspended by an Appeal Board pending the hearing of an appeal on that ground; or
- (b) A voluntary recruit, if he has been granted leave of absence from his duties as a member of any armed force on the ground that by reason of his occupation his calling up for service is contrary to the public interest;
- (c) A person directed by the Minister to perform any services under Regulation 8 hereof;
- (d) A person directed by the Minister under Regulation 9 hereof not to relinquish employment in any industry or undertaking.

(2) Every person engaged in an essential occupation shall, whenever he ceases to be engaged in that occupation, forthwith by registered letter send notice of that fact and of his residential address to the Director of National Service at Wellington.

(3) Every person engaged in an essential occupation (other than a person engaged in casual employment) shall, whenever he ceases to be employed by any employer, forthwith by registered letter send notice to the Director of that fact and of his residential address, and also of the name, address, and occupation of his new employer (if any).

(4) Every person being the employer (otherwise than by way of casual employment) of a person known by him to be a person engaged in an essential occupation shall forthwith by registered letter send notice to the Director if the person so engaged leaves his employment or otherwise ceases to be engaged in the essential occupation.

(5) Every person engaged in an essential occupation shall, whenever he changes his residential address, forthwith by registered letter send notice to the Director of that fact and of his new residential address.

TRANSFER OF MALE RESERVISTS TO THE ARMED FORCES.

REGULATION 13.—WARRANT FOR CALLING UP RESERVISTS.

At any time and from time to time after the Governor-General has in manner aforesaid proclaimed and directed the enrolment of any class or classes of male reservists, the Minister may, by warrant signed by him, authorize and require the Director to call up from that class or those classes for service with the armed forces, whether in New Zealand or elsewhere, such number of men as the Minister thinks necessary.

REGULATION 14.—SELECTION OF RESERVISTS BY LOT.

(1) In pursuance of every such warrant of the Minister, the Director shall cause the number of men specified in the warrant to be selected by lot from the men whose names appear in the register of the class or classes to which the warrant relates.

(2) The number so authorized to be called up for service may be so selected either at once or by such instalments as the Director thinks necessary.

(3) The selection by lot shall be made by the Director in such manner as the Minister directs. The selection shall take place in the presence of a Stipendiary Magistrate.

(4) A list of the names of the men on whom the lot has fallen (together with their residential addresses and occupations, so far as known), certified by the Director and by the Stipendiary Magistrate, shall be forthwith furnished to the Minister.

REGULATION 15.—LIST TO BE CERTIFIED WHERE WHOLE OR RESIDUE OF ANY CLASS IS REQUIRED.

If at any time the Director certifies to the Minister that the number of men whose names appear in the register of any class or classes of the Reserve is not more than the number of men required to be called up for service from that class or those classes pursuant to any warrant under Regulation 13 hereof, a list of the names of all the men whose names so appear in the register of that class or those classes (together with their residential addresses and occupations, so far as known), certified as correct by the Director and by a Stipendiary Magistrate, shall be furnished to the Minister.

REGULATION 16.—CALLING UP RESERVISTS.

(1) Upon receiving any list certified under either of the last two preceding regulations the Minister shall publish in the *Gazette*, and in such other manner (if any) as he thinks fit, a notice setting forth the names (together with the

residential addresses and occupations, so far as known) of the men whose names appear in the list, and declaring that those men are called up for service with the armed forces.

(2) Every such gazetted notice shall be for all purposes conclusive proof that the men so named therein have been lawfully called up for service with the armed forces:

Provided that no man shall be thereby precluded from proving on appeal, in accordance with the provisions hereinafter contained, that at the time when he was so called up he was not a member of the Reserve or of any class thereof from which the reservists have been so called up.

(3) The Minister may from time to time, by notice in the *Gazette*, correct any error in any gazetted list of men so called up for service, and the original notice shall thereupon take effect in its amended form as from the date of the first gazetting thereof.

(4) No such notice shall be invalidated by any error in the name, address, or occupation of any man so called up.

(5) In addition to the notice in the *Gazette* published pursuant to the foregoing provisions of this regulation, the Director shall, so far as practicable, give notice to every man called up for service with the armed forces, by registered letter addressed to him at his last known address, that he has been so called up:

Provided that failure to give notice under this clause shall not affect the validity of the calling up of any man, or limit the effect of the notice gazetted pursuant to the foregoing provisions of this regulation.

REGULATION 17.—TRANSFER OF RESERVISTS TO ARMED FORCES.

(1) Every man so called up for service with the armed forces shall, on the day following the gazetting of the notice calling him up, be deemed to be transferred from the Reserve to the Army.

(2) Any member of any armed force may at any time be transferred to any other armed force. This clause shall apply to all members of any armed force, whether they are members thereof by voluntary enlistment or otherwise, and whether they are members of that force at the date of the commencement of these regulations or become members after that date.

(3) Every man who pursuant to this regulation is transferred or deemed to be transferred to any armed force shall remain, until lawfully discharged or transferred therefrom, a member of that force in the same manner to all intents and purposes, subject, however, to the provisions of these regulations, as if he had voluntarily enlisted therein and taken the oath of allegiance.

REGULATION 18.—MILITARY COMMAND OF RESERVISTS CALLED UP.

Every man who is so called up for service with the armed forces shall, at all times thereafter until he has been posted to some unit of a Naval, Military, or Air Force, be under the command of all authorized officers.

REGULATION 19.—NOTICE TO RESERVISTS TO REPORT.

(1) Every man who has been called up for service with the armed forces under these regulations may, in addition to the obligation of obedience to the orders of authorized officers or to other lawful command, be required from time to time by any authorized officer, by notice in the *Gazette*, to report at any time and place; and if he fails duly to present himself at the time and place so notified (or in case of sickness or other unavoidable impediment, then at the same place and as soon as possible after the time so notified) he may be tried and punished for the offence of desertion or of absenting himself without leave, as the case may be:

Provided that sickness or other impediment as aforesaid shall be no defence unless he has given written notice thereof to an authorized officer before or as soon as possible after the time so notified.

(2) In addition to the notice in the *Gazette* published pursuant to the foregoing provisions of this regulation, the authorized officer shall, so far as practicable, give notice to every man required to report, by registered letter addressed to him at his last known address, that he is required so to report:

Provided that failure to give notice under this clause shall not affect the validity of the requirement of any man to report.

REGULATION 20.—DESERTION BY REMAINING IN NEW ZEALAND, OR BY LEAVING NEW ZEALAND.

(1) If a member of any armed force remains in New Zealand after the unit to which he is posted has left New Zealand for service overseas, he shall, unless he proves that he so remained in New Zealand through circumstances over which he had no control or with the leave or by the orders of an officer having command over him or that an appeal against his being called up for service had been duly lodged and had not been determined, be deemed guilty of desertion from that force.

(2) If a member of any armed force leaves New Zealand or does any act with intent to leave New Zealand for any place overseas, except in the course of his service, he shall be deemed guilty of desertion from that force.

(3) Every man who is guilty of deserting from any armed force shall, in addition to his liability under the Army Act or otherwise, be deemed to have committed an offence against these regulations, but he shall not be punished twice for the same offence.

APPEALS.

REGULATION 21.—APPEAL BY RESERVISTS CALLED UP.

(1) Every man so called up for service with the armed forces shall have a right of appeal to an Armed Forces Appeal Board on any of the following grounds:—

- (a) That when so called up he was not a member of the Reserve:
- (b) That when so called up from any class of the Reserve he was a member of some other class the calling up of which had not been authorized by the Minister under these regulations:
- (c) That by reason of his occupation his calling up for service is contrary to the public interest:
- (d) That by reason of his domestic circumstances or for any other reason his calling up for service will be a cause of undue hardship to himself or others:
- (e) That he conscientiously objects to serving with the armed forces.

(2) An Appeal Board shall not allow any appeal on the ground specified in paragraph (e) of the last preceding clause unless the Appeal Board is satisfied that the appellant holds a genuine belief that it is wrong to engage in warfare in any circumstances. Evidence of active and genuine membership of a pacifist religious body may in general be accepted as evidence of the convictions of the appellant, and, in particular, proof that the appellant has for a substantial period preceding the outbreak of the present war with Germany been a member of the Society of Friends or of the Christadelphian Sect, and that he has during that time been continuously and actively associated with the body of which he is a member may be accepted as sufficient evidence on which to allow an appeal.

REGULATION 22.—ARMED FORCES APPEAL BOARDS.

(1) For the purposes of these regulations there shall be established such number of Armed Forces Appeal Boards as the Governor-General from time to time thinks necessary.

(2) Each Appeal Board shall be distinguished by such distinctive name as the Governor-General thinks fit.

(3) Every Appeal Board shall consist of three persons to be appointed by the Governor-General and to hold office during his pleasure.

(4) One member of each Appeal Board shall be appointed by the Governor-General as the Chairman thereof.

(5) Each Appeal Board shall sit at such times and places as may be determined by the Chairman.

(6) No sitting of an Appeal Board shall take place unless all the members of the Board are present, but the decision of a majority of the members shall be the decision of the Board.

REGULATION 23.—DEPUTY MEMBERS OF APPEAL BOARDS.

(1) The Governor-General may from time to time appoint a Deputy Chairman of any Appeal Board and such deputy members thereof as he thinks fit, to hold office during his pleasure.

(2) On the occurrence from any cause of a vacancy in the office of Chairman or member of any Appeal Board, and in the case of the absence of the Chairman or of any member (from whatever cause arising) and so long as the vacancy or absence continues, the powers and functions of the Chairman or member may be exercised and performed by the Deputy Chairman or by a deputy member, as the case may be.

(3) No act done by an Appeal Board sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for the deputy's acting had not arisen or had ceased.

REGULATION 24.—PROCEDURE OF APPEAL BOARDS.

(1) The procedure of an Appeal Board shall, subject to these regulations, be such as the Board thinks fit.

(2) An Appeal Board may admit and accept such evidence as it thinks fit, whether admissible in a Court of law or not.

REGULATION 25.—COMMISSIONS OF INQUIRY ACT APPLIED.

Each Appeal Board shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908,* and all the provisions of that Act shall apply accordingly.

REGULATION 26.—NOTICE OF APPEAL.

(1) Every appeal to an Appeal Board shall be instituted by posting to the Chairman of the Board for the district in which the appellant is for the time being resident a registered letter containing a notice of appeal.

(2) Every such notice shall be so posted within ten days after the day of the gazetting of the notice by which the appellant was called up for service.

(3) Every notice of appeal shall state the name, occupation, and postal address of the appellant and the grounds of his appeal, and may, if the appellant thinks fit, be accompanied by any documentary evidence or statement of facts which he desires to bring to the knowledge of the Appeal Board.

REGULATION 27.—HEARING OF APPEAL.

(1) If in any case the Appeal Board is satisfied from any documentary evidence or statement of facts supplied to the Board in manner aforesaid, or as the result of any information otherwise obtained by the Board, that the appeal should be allowed, the Board may allow the appeal without calling on the appellant or hearing evidence.

(2) In all other cases the Chairman of the Board shall, so soon as may be after the receipt by him of the notice of appeal, appoint a time and place for the hearing of the appeal, and shall by post, telegraph, or otherwise give reasonable notice thereof to the appellant by notice addressed to him

* See Reprint of Statutes, Vol. I, page 1036.

at the postal address mentioned in his notice of appeal, and the Board shall thereafter proceed to determine the appeal accordingly, whether the appellant appears or not:

Provided that, if the notice of appeal has not been posted within the time limited under Regulation 26 hereof, the Board shall not hear the appeal unless it is satisfied that the notice was posted within one month after the expiry of the time so limited, and that the failure to post the notice within the time so limited was occasioned by mistake or by any other reasonable cause.

(3) The appellant may, on the hearing of his appeal, be represented by a barrister or solicitor or, with the leave of the Appeal Board, by any other person.

(4) On the hearing of appeals the Crown may be represented by any person appointed by the Minister in that behalf either generally or with respect to any class of appeals or with respect to any particular appeal.

(5) The Crown representative at the hearing of an appeal shall have a right to be heard in opposition thereto or in support thereof, to produce evidence, and to cross-examine witnesses.

(6) All appeals shall be heard in public, unless the Appeal Board in any particular case, due regard being had to the interests of the appellant and of all other persons concerned, considers that the hearing or any part thereof should take place in private:

Provided that the Board may deliberate in private as to the determination of the appeal or as to any question arising in the course of the proceedings.

(7) The hearing of an appeal may from time to time be adjourned by the Board to any time or place or *sine die*; but if adjourned *sine die* reasonable notice of the time and place of the continuance thereof shall be given by post, telegraph, or otherwise to the appellant or his representative and to the Crown representative.

REGULATION 28.—DETERMINATION OF APPEAL BOARD.

(1) When the hearing of an appeal has been completed the Appeal Board may reserve its determination, and may thereafter determine the appeal at any time and place, and either publicly or privately, and either with or without previous notice to the appellant or the Crown representative.

(2) The determination of the Board on any appeal shall be in writing signed by the Chairman and at least one other member of the Board, and shall, if the appeal is allowed, set out shortly the grounds on which it was allowed.

(3) The determination so signed shall be transmitted by the Chairman to the Director. The Chairman shall also notify the appellant of the result of the appeal.

(4) Every such determination shall, for the purposes of these regulations, be conclusive as to the facts so found:

Provided that on the application of the Director the Board may, if it has reason to suppose that the determination may have been procured by fraud, or that new and material evidence has been discovered, rehear the appeal, and cancel, vary, or confirm its previous determination.

REGULATION 29.—SUSPENSION OF OBLIGATION OF SERVICE.

The pendency of any such appeal shall in no way suspend the obligation of service and obedience imposed on the appellant by these regulations, except so far as any such suspension may be expressly allowed to the appellant by an Appeal Board.

REGULATION 30.—EFFECT OF ALLOWANCE OF APPEAL.

On the allowance of any such appeal the appellant shall thereupon cease to be a member of the armed forces, and shall (except when the Appeal Board has determined that he was not a member of the Reserve) be deemed to be retransferred to the Reserve, and shall thereafter remain subject to

the provisions of these regulations in the same manner in all respects as if he had not yet been called up for service with the armed forces:

Provided that where an appeal is allowed solely on the ground specified in paragraph (c) of clause (1) of Regulation 21 hereof the Director may at any time after the allowance of the appeal by notice given to the appellant again call him up for service with the armed forces if he is satisfied that the appellant has ceased to be engaged in the occupation in which he was engaged on the allowance of his appeal, or that by reason of a change in the conditions or circumstances of his occupation his calling up is no longer contrary to the public interest, and the appellant shall thereupon become a member of the armed force specified in the notice accordingly, and all the provisions of these regulations shall, so far as applicable, apply to him in the same manner as if he had again been duly called up for service by a notice in the *Gazette* under Regulation 16 hereof.

REGULATION 31.—APPEALS BY PERSONS SUFFERING UNDUE HARDSHIP.

(1) Any such appeal may be instituted by any person in respect of any man called up as aforesaid for service with the armed forces (who shall for the purposes of these regulations be deemed to be the appellant) on the ground that the calling up of the appellant will be a cause of undue hardship to that person, or that by reason of the occupation of the appellant his calling up is contrary to the public interest.

(2) With respect to the hearing of any such appeal the provisions of these regulations as to notices to the appellant and as to the right of the appellant to be heard and represented shall apply to the person who institutes the appeal as well as to the appellant.

(3) In the case of any man employed by the Crown the rights conferred by this regulation may be exercised either by the Public Service Commissioner or by the Permanent Head of the Department in which that man is employed.

REGULATION 32.—APPEALS BY THE DIRECTOR.

An appeal may be instituted by the Director in respect of any man called up as aforesaid for service with the armed forces (who shall for the purposes of these regulations be deemed to be the appellant) on the ground that by reason of his occupation the calling up of the appellant is contrary to the public interest.

REGULATION 33.—APPEALS BY TWO OR MORE PERSONS.

The dismissal of an appeal instituted by any person (whether or not he is the appellant himself) shall not preclude an appeal by any other person, whether on the same ground or on any other grounds.

MEDICAL EXAMINATION AND TREATMENT.

REGULATION 34.—NATIONAL MEDICAL COMMITTEE.

In the exercise of his functions under these regulations the Minister of Health shall have regard to the recommendations of the National Medical Committee appointed to advise the Government in relation to medical matters arising out of the present war.

REGULATION 35.—REGIONAL DEPUTIES.

(1) For the purposes of these regulations the Minister of Health may appoint such number of Regional Deputies as he from time to time thinks necessary.

(2) Each Regional Deputy shall be a registered medical practitioner and shall hold office during the pleasure of the Minister of Health.

(3) Each Regional Deputy shall exercise his functions in such region as may from time to time be specified in that behalf by the Minister of Health, and shall be subject in all things to the control of that Minister.

REGULATION 36.—MEDICAL BOARDS.

(1) For the purposes of these regulations each Regional Deputy may from time to time appoint such number of Medical Boards as he thinks fit.

(2) Each Medical Board shall consist of such number of persons, being two or more, as the Regional Deputy thinks necessary, all of whom shall be registered medical practitioners for the time being approved by the Minister of Health for the purposes of these regulations.

(3) The members of each Medical Board shall be appointed by the Regional Deputy to hold office during his pleasure. The same person may be appointed as a member of two or more Medical Boards.

(4) One member of each Medical Board shall be appointed as the Chairman thereof by the Regional Deputy.

(5) Every Medical Board shall exercise its functions in such localities, or in respect of such recruits or classes of recruits, as the Regional Deputy from time to time directs.

REGULATION 37.—EXAMINATION OF RESERVISTS CALLED UP.

(1) When a reservist has been called up for service with the armed forces he may from time to time be required under Regulation 19 hereof to report for examination or re-examination before a Medical Board.

(2) The examination of a recruit by a Medical Board shall take place in the presence of all the members of the Board.

(3) There shall be in attendance at every examination by a Medical Board an officer of the Army or a warrant officer or non-commissioned officer.

(4) No indication shall in any circumstances be given to the members of the Medical Board as to the name, identity, or residence of the recruit under examination.

(5) The form of report on any such examination shall be filled in by the officer, warrant officer, or non-commissioned officer in attendance as aforesaid at the dictation of the examiners. The report shall be signed by the members of the Medical Board, and all alterations, erasures, or interlineations shall be initialled by one at least of the members, but so that the name, identity, or residence of the recruit is not thereby disclosed to any member of the Board.

(6) If the members of any Medical Board are in doubt or unable to agree as to any question arising in relation to the examination of any recruit or as to their report thereon the question shall be referred to the Regional Deputy, and his decision shall be final.

REGULATION 38.—REPORT OF MEDICAL BOARD.

(1) Every report of a Medical Board shall classify the recruit according to his physical and mental condition in one or other of such grades as are for the time being prescribed by the Minister of Health and shall also give such indication as is for the time being required by the Army Board as to the fitness or unfitness of the recruit for service with the armed forces or any section thereof in New Zealand or in any other part of the world.

(2) The Medical Board may give to a recruit such information as in its discretion it thinks fit with respect to the result of his examination and the nature of the report.

(3) The report of the Medical Board shall be forthwith transmitted to the Army Board. The Army Board may if it thinks fit require the recruit to be re-examined before the same or any other Medical Board.

REGULATION 39.—RESERVISTS MEDICALLY UNFIT.

(1) If the Minister of National Service is satisfied, on the report of any Medical Board, that any reservist is permanently medically unfit for any form of national service (whether in the armed forces or otherwise), the Minister may, if he thinks fit, discharge him from the Reserve.

(2) Every reservist who, without reasonable cause, the proof whereof shall lie on him, fails to submit himself for examination by any Medical Board or by any registered medical practitioner when required so to do by an authorized officer commits an offence against these regulations.

REGULATION 40.—MEDICALLY UNFIT MEMBERS OF THE ARMED FORCES.

(1) If the Adjutant-General is satisfied upon the report of a Medical Board that any man who has been called up for service with the armed forces is permanently medically unfit for any service with the armed forces, whether in New Zealand or elsewhere, the Adjutant-General shall discharge him from the armed forces, and he shall thereupon be deemed to be retransferred to the Reserve.

(2) If the Adjutant-General is satisfied upon the report of a Medical Board that any man who has been called up for service with the armed forces is permanently unfit for active service outside New Zealand but is fit for service with the armed forces in New Zealand, the Adjutant-General shall exempt him from overseas service, in which case he shall remain a member of the armed forces liable for service in New Zealand in such capacity as the Adjutant-General from time to time thinks fit.

(3) No member of the Second New Zealand Expeditionary Force, whether he has been called up for service or is a voluntary recruit, shall at any time be discharged therefrom in New Zealand as medically unfit except pursuant to this regulation.

(4) This regulation shall come into force on the date of the gazetting of the first notice under Regulation 16 hereof calling up men for service with the armed forces.

REGULATION 41.—MEDICAL TREATMENT OF MEMBERS OF ARMED FORCES.

(1) Every member of any armed force shall be guilty of an offence punishable as if it were an offence against Article 1417 of the King's Regulations and Admiralty Instructions, section 18 of the Army Act, or section 18 of the Air Force Act (Imperial), as the case may require, who, whether in New Zealand or elsewhere,—

(a) Refuses to allow himself to be vaccinated or inoculated for the purpose of rendering him immune from any disease or fit for service with that force on being required so to do by any officer having authority over him; or

(b) Refuses to submit himself to treatment by a medical or dental practitioner on being required so to do by any officer having authority over him, if that treatment is deemed necessary for the purpose of rendering him fit for service with that force.

(2) It shall be lawful for any medical practitioner authorized in that behalf by the Officer Commanding any armed force or any unit of an armed force, whether in New Zealand or elsewhere, to vaccinate or inoculate any member of any armed force, whether with or without the consent of that member, for the purpose of rendering him immune from any disease or fit for service with that force.

(3) This regulation shall apply to all members of any armed force, whether they are members thereof by voluntary enlistment or otherwise, and whether they are members of that force at the date of the commencement of these regulations or become members after that date.

LOCAL SUBDIVISIONS OF THE RESERVE.

REGULATION 42.—DISTRICT REGISTERS OF THE RESERVE.

(1) In addition to a general register of the whole of a class of the Reserve, subdivisional registers (hereinafter referred to as district registers) may be prepared in accordance with this regulation.

(2) The Minister may at any time, by order signed by him, divide New Zealand into such areas (hereinafter referred to as recruiting districts) as he thinks fit, and may from time to time revoke or vary any such order.

(3) While any such order remains in force the register of any class of the Reserve shall be divided into as many district registers as there are recruiting districts; and the Director shall enter on each district register the names of those members of the class who, to the best of his knowledge or belief, are resident in the recruiting district to which the district register relates at the date of the constitution of that district, or at any later date at which they first become members of that class.

(4) No man who has been enrolled on any district register shall thereafter be transferred to any other district register because of any change in his residence after such enrolment.

(5) All the provisions of these regulations as to a register of an entire class of the Reserve shall, so far as applicable, apply equally to each district register.

(6) The district registers may be amended from time to time by the Director for the purpose of correcting errors as to the residence of reservists, and reservists may be transferred from one district register to another accordingly; but no such error shall invalidate any entry on a district register, or confer upon any man called up for service in any armed force any right of appeal to an Appeal Board.

(7) So long as any such order establishing recruiting districts remains in force the Minister, in any warrant issued by him for the calling up of men from the Reserve for service in the armed forces, shall specify the recruiting district or districts from which they are to be so called, and the number to be so called from each district so specified. In exercise of the powers conferred by this regulation the Minister may authorize the calling up of men from any one or more recruiting districts to the exclusion of the others.

(8) On the issue of any such warrant in respect of any recruiting district the number of men therein specified in respect of that district shall be selected under Regulation 14 or Regulation 15 hereof from the men enrolled in the register of that district, and all the provisions of these regulations shall apply in the same manner in all respects as if the selection had been made from an undivided register of the entire class of the Reserve.

APPLICATION FOR ENROLMENT IN THE RESERVE.

REGULATION 43.—APPLICATION TO BE MADE FOR ENROLMENT.

(1) When the enrolment of any class of the Reserve has been proclaimed and directed by a Proclamation gazetted as aforesaid every reservist who belongs to that class (unless he has, within the period of twenty-eight days after the gazetting of the Proclamation, received from the Director a certificate of his enrolment in that class) shall forthwith after the expiry of that period (or in the case of sickness, absence from New Zealand, or other unavoidable impediment, so soon as possible thereafter) make application in writing for enrolment in that class of the Reserve.

(2) Every man who at any time after the enrolment of any class of the Reserve has been proclaimed and directed as aforesaid becomes a member of that class (whether by attaining a particular age, or by becoming resident in New Zealand, or in any other manner), unless he has, within the period of twenty-eight days after so becoming a member thereof, received from the Director a certificate of his enrolment in that class, shall forthwith after the expiry of that

period (or in the case of sickness, absence from New Zealand, or other unavoidable impediment, so soon as possible thereafter) make application in writing for enrolment in that class of the Reserve.

(3) Every application made under this regulation shall state the name, residential address, occupation, and date of birth of the applicant, together with such further particulars as may be required by the Minister or specified in any form provided by the Minister for the purposes of this regulation.

(4) Every such application shall be made by posting it by registered letter addressed to the Director of National Service at Wellington.

(5) Every man who, being required to make application in accordance with this regulation, fails to make application accordingly commits an offence against this regulation.

(6) In any proceedings for an offence against this regulation the burden of proving that the reservist has received a certificate of enrolment shall be on the defendant.

REGULATION 44.—MEN FAILING TO APPLY FOR ENROLMENT MAY BE CALLED UP FOR SERVICE.

(1) If any man is convicted of an offence against the last preceding regulation the Director may, by notice given to him, call him up for service with any armed force, and he shall thereupon become a member of that force, and all the provisions of these regulations shall, so far as applicable, apply to him in the same manner as if he had been duly called up for service by a notice in the *Gazette* under Regulation 16 hereof.

(2) Any man so convicted and called up while undergoing imprisonment, whether in default of payment of a fine or otherwise, shall be released on the warrant of an authorized officer; but if he is subsequently discharged from the armed forces because medically unfit for service or because of the allowance of an appeal by an Appeal Board, he shall, on the warrant of an authorized officer, be returned to the custody from which he was so released, and shall complete the term of imprisonment in the same manner as if he had not been released, but the period during which he has been at large shall be computed as part of that term.

(3) Service with the armed forces for three months continuously shall constitute a pardon for any offence committed against the last preceding regulation.

VOLUNTARY ENLISTMENT.

REGULATION 45.—POWER TO SUSPEND VOLUNTARY ENLISTMENT.

(1) The Governor-General may from time to time, by Proclamation approved in the Executive Council, proclaim that the voluntary enlistment of reservists, or of any class of reservists, for service outside New Zealand with the armed forces, or with any armed force, shall on a day to be specified in the Proclamation, cease either throughout New Zealand or in any recruiting district or districts specified in the Proclamation. Any such Proclamation may be at any time in like manner revoked.

(2) After the day so specified in such a Proclamation made with respect to the whole of New Zealand, and while the Proclamation remains in force, no reservist to whom the Proclamation applies shall be enlisted in any armed force to which the Proclamation applies otherwise than by calling up for service under the provisions of these regulations.

(3) After the day so specified in such a Proclamation made with respect to any recruiting district, and while the Proclamation remains in force, no reservist who is enrolled as a resident in that district and belongs to any class to which the Proclamation applies shall be enlisted in any armed force to which the Proclamation applies otherwise than by calling up under the provisions of these regulations.

(4) Officers of any armed force may be appointed in the same manner as if no such Proclamation had been made.

(5) No enlistment shall be invalid because made in breach of this regulation.

(6) Except as provided in this regulation, nothing in these regulations shall preclude the voluntary enlistment of members of any armed force.

MISCELLANEOUS.

REGULATION 46.—EMPLOYERS NOT TO DISMISS RECRUITS BEFORE THEY COMMENCE SERVICE WITH THE ARMED FORCES.

Except with the precedent consent of the Minister, no employer shall, by reason of the fact that any person has voluntarily enlisted in any armed force or has been called up for service with the armed forces, dismiss that person from his employment at any time before that person commences his duties with the armed forces.

REGULATION 47.—EMPLOYERS NOT TO EMPLOY RESERVISTS UNLESS ENROLLED.

Every person who at any time after the enrolment of any class of the Reserve has been proclaimed and directed employs or retains in his service for more than seven days any man who belongs to that class and who, being required under these regulations to apply for enrolment therein, has not so applied shall be guilty of an offence against these regulations, unless he proves that he believed on reasonable grounds that the man so employed or retained in his service did not belong to that class or was enrolled therein.

REGULATION 48.—EMPLOYERS NOT TO EMPLOY DESERTERS.

Every person who employs or retains in his service any man who has deserted or is absent without leave from any armed force shall be guilty of an offence against these regulations, unless he proves that he did not know and had no reason to suspect that the man so employed or retained in his service was a deserter or absent without leave.

REGULATION 49.—ENROLLED RESERVISTS TO NOTIFY CHANGES OF ADDRESS, ETC.

(1) Every man who after being enrolled in the Reserve changes his residential address shall within seven days thereafter give notice of that fact and of his new residential address by registered letter addressed to the Director of National Service at Wellington.

(2) Every man enrolled in the Reserve who, before his enrolment and whether before or after the commencement of these regulations, changes or has since the 1st day of May, 1940, changed his residential address, shall within seven days after the commencement of these regulations or after that change of address (whichever is the later) give notice of the fact of the change and of his new residential address by registered letter addressed to the Director.

REGULATION 50.—POWER OF POLICE TO QUESTION RESERVISTS.

(1) After the enrolment of any class of the Reserve has been proclaimed and directed, any constable may question any man who may reasonably be supposed to belong to that class as to all or any of the following matters—namely, his name, occupation, and residential address, the date and place of his birth, his enrolment in the Reserve, and any other matters relevant to the question of his membership of the Reserve or of any class thereof, or his membership of any armed force.

(2) Any man who fails or refuses forthwith to answer any question so put to him, or who answers any such question in a false or wilfully misleading manner commits an offence against this regulation.

(3) Any man reasonably suspected of any offence against this regulation may be arrested without warrant by any constable.

REGULATION 51.—OBLIGATION TO GIVE INFORMATION FOR PURPOSES OF THESE REGULATIONS.

After the enrolment of any class of the Reserve has been proclaimed and directed, no person having in his possession any information which relates to the name, occupation, age, residential address, nationality, or domestic circumstances of any man who belongs or may reasonably be supposed to belong to that class, or which may be of use in enabling any such man to be found, or which is in any other manner relevant to the purposes of these regulations, shall withhold such information from the Director, or from any constable, or officer of the armed forces, on being required to disclose it.

REGULATION 52.—NOTICES.

(1) The Minister, the Director, or any authorized officer may give notice in the *Gazette* of the exercise of any of his powers under these regulations or of any direction given by him under these regulations, and all persons shall be bound thereby.

(2) The Minister, the Director, or any authorized officer may, without any notice in the *Gazette*, give notice to any person of any direction given by him under these regulations, and every person to whom the notice is given shall be bound thereby.

(3) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister or by the Director, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(4) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(5) Every notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(6) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

REGULATION 53.—OBLIGATION TO PUBLISH OR EXHIBIT NATIONAL SERVICE NOTICES.

(1) In this regulation the term "national service notice" means any notice or advertisement relating in any manner to these regulations and approved by the Minister for publication under this regulation.

(2) The Minister may supply or cause to be supplied copies of any national service notice to the proprietor, editor, printer, or publisher of any newspaper or other periodical, and may direct him to publish the notices in the newspaper or periodical in such manner and in such issues as the Minister thinks fit, and it shall be the duty of the proprietor, editor, printer, and publisher of that newspaper or periodical to publish the notices in the newspaper or periodical in accordance with the directions so given.

(3) (a) The Minister may supply or cause to be supplied copies of any national service notice to the owner or occupier of any shop, factory, office, wharf, hotel, or boardinghouse; or to the owner or occupier of any other premises which are frequented by the public, whether as of right or otherwise.

(b) Copies delivered by post or otherwise upon any such premises shall be deemed to have been supplied to the owner or occupier of those premises within the meaning of this regulation.

(c) It shall be the duty of every person to whom such copies have been so supplied forthwith to exhibit them in a conspicuous place and manner upon the premises so owned or occupied by him, and to conform to such directions as may be given or caused to be given to him by the Minister as to the place and manner of such exhibition, and to keep all such copies so exhibited for a period of one month or for such longer period as may be required by the Minister.

(4) The Minister may supply or cause to be supplied to the owner, occupier, or manager of any theatre or other premises used for the purpose of cinematograph exhibitions, or to any person who uses any premises for that purpose, lantern slides containing copies of any national service notices, and may direct the person to whom those lantern slides are so supplied to exhibit those notices on the cinematograph screen in such manner and on such occasions as the Minister thinks fit, and it shall be the duty of every person to whom any such lantern slides are so supplied to exhibit the notices in accordance with the directions so given.

(5) The Minister may supply or cause to be supplied to any local authority, company, or public body having the control or management of a tramway copies of any national service notice, and may direct that local authority, company, or public body to exhibit the notices in or upon the tramcars used upon the tramway in such manner and during such period as the Minister thinks fit, and it shall be the duty of every such local authority, company, or public body to exhibit the notices in accordance with the directions so given.

(6) The Minister may supply or cause to be supplied to the owner or charterer of any passenger-ship copies of any national service notice, and may direct the owner or charterer to exhibit the notices upon the ship in such manner and during such period as the Minister thinks fit, and it shall be the duty of the owner or charterer to exhibit the notices in accordance with the directions so given.

(7) The Minister may exhibit or cause to be exhibited any national service notice in or within the view of any road, street, railway-station, railway-carriage, or other public place and no person shall obstruct, prevent, or interfere with any such exhibition.

(8) Every person who without lawful authority destroys, defaces, obscures, removes, or otherwise interferes with any national service notice exhibited in pursuance of this regulation commits an offence against these regulations.

REGULATION 54.—PUBLICATION OF NAMES OF MEN DISCHARGED OR EXEMPTED FROM OVERSEAS SERVICE.

(1) Whenever, by reason of the allowance of an appeal by an Appeal Board or by reason of medical unfitness or on any other ground whatsoever, a man has been discharged from the armed forces or exempted from overseas service, at any time before he has served with the armed forces outside New Zealand, his name, occupation, and residential address shall be forthwith published in the *Gazette*, together with a statement of the ground on which he has been so discharged or exempted.

(2) Clause (1) of this regulation shall not apply with respect to any discharge or exemption granted before the date of the gazetting of the first notice under Regulation 16 hereof calling up men for service with the armed forces.

(3) Upon the discharge from the armed forces of any man who is not for the time being a reservist he shall be deemed to be transferred to the Reserve.

REGULATION 55.—SALARIES AND ALLOWANCES.

There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Advisory Council and of every advisory committee, Appeal Board, and Medical Board appointed under these regulations, and to every Regional Deputy so appointed, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling expenses and allowances as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

REGULATION 56.—OFFENCES.

Every person commits an offence against these regulations who—

- (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, restriction, order, requirement, or condition given or imposed under these regulations:
- (b) Wilfully deceives or attempts to deceive an Appeal Board in the exercise of its jurisdiction under these regulations:
- (c) Wilfully deceives or attempts to deceive the Director or any other official in the exercise of his functions with respect to the enrolment or calling up of the Reserve or any part thereof:
- (d) Wilfully deceives or attempts to deceive any member of a Medical Board in respect of the medical examination of any member of the Reserve, whether such offence is committed on his own behalf or on behalf of any other person:
- (e) Wilfully deceives or attempts to deceive any person with intent to procure his own exclusion or the exclusion of any other person from the Reserve or from any armed force or from any service as a member of the Reserve or of any armed force:
- (f) Offers any bribe or other unlawful or improper inducement to any person whatever with intent to influence him in the exercise of any powers, duties, or functions under or for the purposes of these regulations.

REGULATION 57.—EVIDENCE AND PROCEDURE.

(1) If in any prosecution under these regulations any question arises as to whether the accused is a member of the Reserve or of any class the enrolment of which has been directed, or has been called up from the Reserve for service with the armed forces, the affirmative shall be presumed until the contrary is proved.

(2) If in any such prosecution any question arises as to whether the accused has received any discharge, exemption, or permission, or has made any application or fulfilled any obligation required from or imposed on him by these regulations, the negative shall be presumed until the contrary is proved.

(3) Section 50 of the Justices of the Peace Act, 1927,* shall not apply with respect to any prosecution for an offence against these regulations.

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

* See Reprint of Statutes, Vol. II, page 365.

The Finance Emergency Regulations 1940 (No. 2).

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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) These regulations may be cited as the Finance Emergency Regulations 1940 (No. 2).

(2) These regulations are arranged as follows:—

- Regulation 1.—Preliminary.
- Regulation 2.—Interpretation.
- Regulation 3.—Restriction on Export of Money and Securities.
- Regulation 4.—Money and Securities taken by Travellers.
- Regulation 5.—Acquisition by Reserve Bank of Gold Coin and Bullion.
- Regulation 6.—Acquisition by Reserve Bank of Foreign Currency.
- Regulation 7.—Acquisition by Reserve Bank of certain Foreign Securities.
- Regulation 8.—Payment of Price for Currency and Securities acquired.
- Regulation 9.—Formation of companies, &c.
- Regulation 10.—Overseas Companies commencing Business in New Zealand.
- Regulation 11.—Increase of Capital of Companies.
- Regulation 12.—Control of Issues of Capital.
- Regulation 13.—Power to control Advances for Industrial Purposes.
- Regulation 14.—Power to require Contributions to War-purposes Loans.
- Regulation 15.—Emergency Finance Council.
- Regulation 16.—Delegation of Minister's Powers.
- Regulation 17.—Granting of Consents and Exemptions.
- Regulation 18.—Notices.
- Regulation 19.—Production of Books.
- Regulation 20.—Regulations binding on Trustees, &c.
- Regulation 21.—Offences.
- Regulation 22.—Penalties.

(3) The Finance Emergency Regulations 1940* are hereby revoked.

(4) All applications, exemptions, permissions, conditions, declarations, seizures, delegations, and generally all acts of authority that originated under the regulations hereby revoked, and are subsisting or in force at the commencement of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(5) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the commencement of these regulations may be continued, completed, and enforced under these regulations.

* Statutory Regulations 1940, Serial number 1940/65.

REGULATION 2.—INTERPRETATION.

- (1) In these regulations, unless the context otherwise requires,—
- “Authorized officer”, in relation to any matter, means any person acting or employed in that matter with the authority (whether precedent or subsequent) of the Minister; and includes any officer of Customs within the meaning of the Customs Act, 1913, and any constable:
 - “Current rate of exchange” means a rate of exchange for the time being fixed or approved by the Reserve Bank:
 - “Foreign currency” means the bank-notes or other currency, postal notes, or money-orders of any country other than New Zealand; and includes promissory notes and bills of exchange payable otherwise than in New Zealand currency:
 - “Foreign security” means any security which is registered, inscribed, or situated outside New Zealand, or which creates a right (whether actual or contingent) to receive any payment outside New Zealand or in any foreign currency or out of any funds that are to be provided from outside New Zealand:
 - “Gold” means gold coin or gold bullion:
 - “Local authority” means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section 2 of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act:
 - “Money” includes the bank-notes and other currency, postal notes, and money-orders of New Zealand or any other country; and also includes promissory notes and bills of exchange:
 - “Minister” means the Minister of Finance; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Minister:
 - “Owner”, in relation to any security, includes any person who is registered as the proprietor or holder of the security, or who has power to sell or transfer the security, or who has the custody thereof, or who receives or is entitled to receive (whether on his own behalf or on behalf of any other person) dividends or interest thereon, or who has any other legal or equitable interest therein; and “to own” has a corresponding meaning:
 - “Person” includes a corporation sole and also a body of persons, whether corporate or unincorporate:
 - “Reserve Bank” means the Reserve Bank of New Zealand established under the Reserve Bank of New Zealand Act, 1933:
 - “Security” includes shares, stock, bonds, debentures, debenture stock, and Treasury bills; but does not include bills of exchange or promissory notes.
- (2) For the purposes of these regulations the transfer of any security includes transfer by way of loan, mortgage, pledge, or bailment, and a person shall be deemed to transfer a security from New Zealand if he transfers it from a register in New Zealand to a register outside New Zealand.
- (3) For the purposes of these regulations a body corporate shall be deemed to be resident in New Zealand if it is incorporated in New Zealand or has its head office in New Zealand. The head office of a body corporate means the centre of its administrative management.
- (4) For the purposes of these regulations, where any body corporate incorporated outside New Zealand and carrying on business in New Zealand owns any gold, foreign currency, or foreign securities on account of its New Zealand business, the person for the time being having control of the company's business in New Zealand shall be deemed to be the owner of that gold or currency or those securities and to be ordinarily resident in New Zealand, but nothing in this clause shall be construed to relieve the company from any obligation or penalty under these regulations.

REGULATION 3.—RESTRICTION ON EXPORT OF MONEY AND SECURITIES.

(1) Subject to the exemptions set out in clause (3) of this regulation, no person shall, except with the consent of the Minister,—

- (a) Take or send any money out of New Zealand :
- (b) Draw or negotiate any bill of exchange or promissory note, transfer any security, or acknowledge any debt so that a right (whether actual or contingent) to receive a payment in New Zealand is created or transferred as consideration—
 - (i) For receiving a payment or acquiring property outside New Zealand ; or
 - (ii) For a right (whether actual or contingent) to receive a payment or acquire property outside New Zealand—

or make any payment in New Zealand as such consideration :

- (c) Create or transfer a right (whether actual or contingent) to receive a payment or acquire property outside New Zealand, or dispose of or otherwise deal with any money, securities, or property held or payable outside New Zealand as consideration for receiving a payment or acquiring property in New Zealand, or for a right (whether actual or contingent) to receive a payment or acquire property in New Zealand, or for the discharge of a debt payable in New Zealand :
 - (d) Take, send, or transfer any securities from New Zealand.
- (2) No person shall be a party to any transaction which involves the conversion of New Zealand currency into the currency of any other country or the conversion of the currency of any other country into New Zealand currency at a rate of exchange other than the current rate of exchange between New Zealand and that country.

(3) The following transactions shall be exempt from the restrictions imposed by the foregoing provisions of this regulation :—

- (a) The taking or sending of money out of New Zealand pursuant to permission in that behalf granted by the Reserve Bank :
- (b) The taking or sending of money out of New Zealand within the limitations set out in the Coined Silver Regulations 1931,* or any regulations made in amendment thereof or in substitution therefor :
- (c) The transfer of money to New Zealand through any bank acting as agent of the Reserve Bank :
- (d) Any class of transactions for the time being exempted by the Minister from the said restrictions by notice in the *Gazette*.

(4) For the purposes of this regulation money shall be deemed to be taken or sent if it is taken or sent by telegraph or post or by means of draft, letter of credit, traveller's cheque, transfer of account, or any other means whatsoever.

REGULATION 4.—MONEY AND SECURITIES TAKEN BY TRAVELLERS.

(1) Every person who is about to leave New Zealand (hereinafter referred to as the traveller) shall—

- (a) If he has attained the age of sixteen years, make a declaration in the form set out in the Schedule hereto as to whether or not he is taking with him either on his person or otherwise any money or securities, such declaration to be made immediately prior to his embarkation on the vessel or aircraft in which he proposes to leave New Zealand, and to be delivered on embarkation to an authorized officer :
- (b) If requested so to do by an authorized officer, produce to that officer any money or securities which he has with him.

(2) Any authorized officer may search the traveller and examine or search any article which the traveller has or is taking with him for the purpose of discovering any money or securities and may seize any money or securities so produced or discovered unless the authorized officer is satisfied that the taking thereof does not involve a contravention of Regulation 3 of these regulations.

(3) An authorized officer may examine and search any goods consigned or otherwise taken or sent from New Zealand to a destination outside New Zealand for the purpose of ascertaining whether there are being sent with the goods any money or securities and may seize any

* *Gazette*, 23rd July, 1931, Vol. II, page 2145.
Amendment: *Gazette*, 30th March, 1933, Vol. I, page 558.

money or securities found upon such an examination or search unless the authorized officer is satisfied that the sending thereof does not involve a contravention of Regulation 3 of these regulations.

(4) Any money or securities seized by an authorized officer under the provisions of this regulation shall be forfeited to and become the property of the Crown unless the Minister otherwise directs.

REGULATION 5.—ACQUISITION BY RESERVE BANK OF GOLD COIN AND BULLION.

(1) Every person ordinarily resident in New Zealand who at the date on which this regulation comes into force is, or at any later date becomes, entitled to sell or to procure the sale of any gold shall forthwith after that date or later date, as the case may be, offer that gold or cause it to be offered for sale to the Reserve Bank or to a person specified by the Minister for the purposes of this regulation, at such price as may be determined by the Minister, having regard to the current price of gold in London.

(2) The price payable in respect of the acquisition of any gold under this regulation shall be paid either in cash or by the issue of New Zealand Government stock, or partly in cash and partly by the issue of Government stock, at the option of the owner of that gold.

(3) This regulation shall come into force on a date to be specified in that behalf by the Minister by a notice published in the *Gazette*.

REGULATION 6.—ACQUISITION BY RESERVE BANK OF FOREIGN CURRENCY.

(1) Every person ordinarily resident in New Zealand who at the date on which these regulations come into force is, or at any later date becomes, entitled to sell or to procure the sale of any foreign currency, shall forthwith after that date or later date, as the case may be, offer it or cause it to be offered for sale to the Reserve Bank or to a person specified by the Minister for the purposes of this regulation, at such price as may be determined by the Minister, having regard to the current rate of exchange.

(2) Every person ordinarily resident in New Zealand who at the date on which these regulations come into force is, or at any later date becomes, entitled to assign or to procure the assignment of any right to receive outside New Zealand, in respect of any credit or balance at a bank or with any other person, payment of any amount in a foreign currency shall forthwith after that date or later date, as the case may be, unless notice to the contrary is given to him by the Minister, do all things necessary for the purpose of assigning that right to the Reserve Bank or to a person specified by the Minister for the purposes of this regulation. The price payable as consideration for any assignment made in accordance with this clause shall be such as may be determined by the Minister, having regard to the current rate of exchange.

(3) Every person who at any time holds on behalf of any other person ordinarily resident in New Zealand (whether as trustee, agent, banker, or otherwise) any foreign currency or any right to which clause (2) of this regulation applies shall, within fourteen days after the date on which these regulations come into force or the date on which he commences so to hold that foreign currency or right (whichever date is the later), furnish to the Minister, or as he directs, the name and address of the person on whose behalf the foreign currency or right is so held, together with such other information and particulars in relation thereto as may be required by the Minister.

REGULATION 7.—ACQUISITION BY RESERVE BANK OF CERTAIN FOREIGN SECURITIES.

(1) This regulation applies to all foreign securities owned by persons ordinarily resident in New Zealand except such foreign securities or classes of foreign securities as may from time to time be exempted from the operation of this regulation by the Minister by notice published in the *Gazette*.

(2) Except with the consent of the Minister, no person shall sell, transfer, or do anything which involves the creation of a charge on any securities to which this regulation applies.

(3) The owner of any security to which this regulation applies shall, within fourteen days after the date on which these regulations come into force or the date on which he becomes the owner of the security (whichever date is the later), furnish to the Minister, or as he directs, such information and particulars in relation thereto as may be required by the Minister.

(4) Every person who at any time holds on behalf of any other person (whether as trustee, agent, bailee, mortgagee, or otherwise) any security to which this regulation applies shall, within fourteen days after the date on which these regulations come into force or the date on which he commences so to hold that security (whichever date is the later), furnish to the Minister, or as he directs, the name and address of the person on whose behalf the security is so held, together with such other information and particulars in relation thereto as may be required by the Minister.

(5) The Minister, if he is of the opinion that it is necessary or expedient so to do for the purpose of strengthening the financial position of New Zealand, may from time to time, by writing under his hand, transfer to the Reserve Bank, or to such other person as the Minister thinks fit, any securities or class of securities to which this regulation applies at such price as the Minister thinks fit, being a price which, in the opinion of the Minister, is not less than the market value of the securities at the date of the transfer.

(6) Where the Minister transfers any securities under this regulation—

- (a) Those securities shall forthwith vest in the Reserve Bank or other person as aforesaid free from any mortgage, pledge, charge, or other encumbrance :
- (b) The owner of any of those securities, and any person who is responsible for keeping any register or book in which any of those securities is registered or inscribed or who is otherwise concerned with the registration or inscription of those securities, shall do all such things as are necessary or as the Minister may direct to be done for the purpose of securing that the security or any document of title relating thereto will be delivered to the Reserve Bank or to such person as the Minister may direct and, in the case of any registered or inscribed security, that the security will be registered or inscribed in the name of the Reserve Bank or such person as the Minister may direct :
- (c) It shall be lawful for the Reserve Bank to acquire those securities in accordance with this regulation and to hold them and to sell them.

(7) The duty to deliver any security under the last preceding clause shall include a duty to do all such things as are necessary to secure that any dividends or interest on that security becoming payable on or after the date of the transfer will be paid to the Reserve Bank or to such person as the Minister may direct, and where, in the case of any security payable to bearer which is delivered in pursuance of the said clause, any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Minister thinks fit :

Provided that, where the price fixed by the Minister in relation to any securities is *ex* any dividend or *ex* any interest, this clause shall not apply to that dividend or interest, or to any coupon representing it.

(8) A certificate signed by the Minister that any specified securities are securities transferred to the Reserve Bank or any person under this regulation shall be treated by all persons responsible for keeping any registers or books in which the securities are registered or inscribed, or who are otherwise concerned with the registration or inscription of those securities, as conclusive evidence that the securities have been so transferred.

(9) Where, by virtue of paragraph (a) of clause (6) of this regulation, any security has become vested in the Reserve Bank or any other person, then, at any time before the steps required by paragraph (b) of that clause to be taken in relation to that security have been taken, the Minister may, by writing under his hand, divest the Reserve Bank or that other person of the security ; and thereupon that security shall be deemed, for all purposes, not to have been transferred under clause (5) of this regulation.

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REGULATION 8.—PAYMENT OF PRICE FOR CURRENCY AND SECURITIES ACQUIRED.

(1) The price payable in respect of the acquisition under these regulations of any currency, right, or securities shall be paid either in cash or by the issue of New Zealand Government stock, or partly in cash and partly by the issue of Government stock, as the Minister in his discretion directs, either generally or in respect of any particular case or class of cases.

(2) These regulations, in so far as they relate to the creation or issue of Government stock, shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1932, and all such stock shall be created and issued subject to the provisions of that Act.

REGULATION 9.—FORMATION OF COMPANIES, ETC.

Except with the consent of the Minister no company, society, or association shall be registered under the Companies Act, 1933, the Industrial and Provident Societies Act, 1908, the Building Societies Act, 1908, or the Mutual Fire Associations Act, 1908.

REGULATION 10.—OVERSEAS COMPANIES COMMENCING BUSINESS IN NEW ZEALAND.

Except with the consent of the Minister it shall not be lawful for any company incorporated outside New Zealand, and not lawfully carrying on business in New Zealand at the date on which these regulations come into force, to commence to carry on business in New Zealand.

REGULATION 11.—INCREASE OF CAPITAL OF COMPANIES.

Except with the consent of the Minister no company or person acting for or on behalf of a company shall increase the nominal capital of the company or make a call upon shares issued by the company.

REGULATION 12.—CONTROL OF ISSUES OF CAPITAL.

(1) Except with the consent of the Minister it shall not be lawful for any person, other than a local authority, to make an issue of capital in New Zealand, or to make in New Zealand any public offer of securities for sale.

(2) It shall not be lawful to issue any prospectus or other document offering for subscription or publicly offering for sale any securities which does not include a statement that the consent of the Minister has been obtained to the issue or offer of the securities.

(3) For the purposes of this regulation a person shall be deemed to make an issue of capital who—

(a) Issues any securities (whether for cash or otherwise); or

(b) Receives any money on loan on the terms or in the expectation that the loan will or may be repaid wholly or partly by the issue of any securities, or by the transfer of any securities issued after the making of the loan.

(4) A security shall not be invalid by reason that the consent of the Minister has not been given thereto, but nothing in this clause shall be construed as modifying the liability of any person to any penalty in respect of any failure to obtain such consent.

(5) In this regulation references to securities and to the issue of securities respectively include references to any mortgage or charge, whether legal or equitable, created by a company or other corporation or by an unincorporated body (other than a partnership), and to the creation of, or the increasing of the amount secured by, any such mortgage or charge; and the term "security" includes a deposit receipt for money lent issued by any person carrying on any business (not being a bank within the meaning of the Banking Act, 1908, or the Post Office Savings-bank, or a savings-bank constituted under the Savings-banks Act, 1908).

(6) For the purposes of the last preceding clause the extension or renewal of the term or currency of a mortgage or charge shall not be deemed to be the creation of a new mortgage or charge, and the term or currency of a mortgage or charge shall be deemed to be extended or renewed if the moneys secured thereby are not repaid but become repayable under another mortgage or charge,

(7) Nothing in this regulation shall prevent or affect in any way any transaction in respect of an advance made by any bank within the meaning of the Banking Act, 1908, in good faith in the ordinary course of business and on such security as the bank usually requires, if the advance is repayable on demand.

(8) No such bank shall, without the consent of the Minister, transfer any securities issued to it after the commencement of these regulations in connection with any transaction of the kind specified in the last preceding clause, except—

- (a) By way of discharge, to the person to whom an advance was made in pursuance of the terms of the transaction; or
- (b) To a guarantor who, in pursuance of the terms of his guarantee, has repaid to the bank the whole or part of the moneys due to the bank under the transaction.

(9) No such bank shall, without the consent of the Minister,—

- (a) Charge interest on any advance made by the bank and existing at the date on which these regulations come into force at a rate exceeding the rate of interest on the advance in force on that date:
- (b) Charge on any advance made by the bank after that date interest at a rate exceeding the rate of interest charged by the bank on that date in respect of similar advances to its customers.

(10) Any sum charged as interest in contravention of the provisions of the last preceding clause shall be a debt due by the bank to which it was paid to the person by whom it was paid, and may be recovered in any Court of competent jurisdiction.

(11) The interest payable on any advance made by a bank in respect of any period after the commencement of these regulations shall not exceed interest payable at the rate chargeable under clause (9) of this regulation, and the remedies for enforcing any covenant or agreement to pay interest on any such advances shall be limited to enforcing payment of interest at the rate so chargeable.

REGULATION 13.—POWER TO CONTROL ADVANCES FOR INDUSTRIAL PURPOSES.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient in the public interest so to do for the purpose of extending, increasing, or maintaining the primary or secondary production of New Zealand or for the purpose of any other works of national importance,—

- (a) Give such directions as the Minister thinks fit to any person or class of persons for the time being carrying on the business of lending money for the purpose of controlling the general policy of that person or class of persons in relation to the making, renewal, and increasing of advances:
- (b) Give in respect of any advances made by any person or class of persons carrying on that business such guarantee, indemnity, or security, upon or subject to such terms and conditions, as the Minister thinks fit.

(2) Any directions given by the Minister under this regulation may be at any time in like manner revoked or varied.

(3) In the exercise of his functions under this regulation the Minister shall have regard to any recommendations made by the Bureau of Industry appointed under the Industrial Efficiency Act, 1936, or by the Primary Industries Controller appointed under the Primary Industries Emergency Regulations 1939,* or by the Emergency Finance Council appointed under these regulations.

REGULATION 14.—POWER TO REQUIRE CONTRIBUTIONS TO WAR-PURPOSES LOANS.

(1) If the Minister has reason to believe that any person has not subscribed in due proportion to his means to any loan for the time being authorized to be raised by the Minister for the purposes of the War Expenses Account established under Part I of the War Expenses Act, 1939 (hereinafter in this regulation referred to as a war-purposes loan), the Minister may, by notice in writing

* Statutory Regulations 1939, Serial number 1939/164, page 728.

under his hand or by successive notices, require that person to subscribe to that loan, within such time or times as may be specified in the notice or notices, such amount as may be therein specified.

(2) For the purposes of this regulation, in ascertaining the amount subscribed by any person to any war-purposes loan, the Minister shall take into account all moneys paid by or on behalf of that person to that or any other war-purposes loan or otherwise lent or given by or on behalf of that person to the Minister for the purposes of the War Expenses Account, but shall not take into account any other moneys paid for securities issued in respect of any war-purposes loan unless those moneys are paid directly to the Minister or to his agents in respect of the loan.

(3) Any person affected by a notice under this regulation may within fourteen days after receiving the notice appeal to the Minister on the ground that for the reasons specified in his notice of appeal compliance by him with the notice would be a cause of undue hardship.

(4) Upon receiving any such appeal the Minister shall cause the circumstances to be fully investigated and he may refer the appeal to the Emergency Finance Council or to such other body or person as he thinks fit for inquiry and report, and if the Minister deems it just and equitable so to do he shall revoke or vary the notice or take such other action in relation thereto as he thinks fit.

(5) If any person to whom a notice is given under this regulation and who has not appealed or whose appeal has not been allowed refuses or fails to comply with the terms of that notice, or with the terms of that notice as modified on appeal under this regulation, he commits an offence against these regulations and shall be liable on summary conviction, in addition to any other penalty imposed under these regulations, to a fine not exceeding the amount specified in the notice or in the notice as so modified. The amount of every such fine shall be paid into the War Expenses Account.

(6) The fact that any person has been convicted of an offence against this regulation or has served his sentence or paid the fine imposed on him shall not relieve him from compliance with the terms of the notice in respect of which the offence was committed.

REGULATION 15.—EMERGENCY FINANCE COUNCIL.

(1) For the purposes of these regulations there shall be a Council to be called the Emergency Finance Council (hereinafter referred to as the Council), consisting of such number of persons as the Minister from time to time thinks fit.

(2) The members of the Council shall be appointed by the Minister, and shall hold office during his pleasure.

(3) It shall be the function of the Council to advise the Minister on any matter arising under these regulations and any other matter from time to time referred to it by the Minister, and, subject to the directions of the Minister, to organize and co-ordinate the financial and economic effort of New Zealand in the prosecution of the present war.

(4) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Council, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling expenses and allowances as may from time to time be directed or approved by the Minister.

REGULATION 16.—DELEGATION OF MINISTER'S POWERS.

(1) The Minister may from time to time, by writing under his hand, delegate to the Governor of the Reserve Bank, the Secretary to the Treasury, or any other person any of his powers under these regulations.

(2) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister in person.

(3) Any such delegation may be made subject to such conditions and restrictions as the Minister thinks fit and may be made either generally or in relation to any particular matter.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being

holding office as Minister of Finance ; and in the event of the Governor of the Reserve Bank or the Secretary to the Treasury to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Governor of the Reserve Bank or Secretary to the Treasury, as the case may be.

REGULATION 17.—GRANTING OF CONSENTS AND EXEMPTIONS.

(1) Every person who applies to the Minister or to any other person for any consent, permission, or exemption under these regulations shall furnish such information and particulars as the Minister or other person may from time to time require.

(2) Subject to the provisions of these regulations, the Minister or other person, in his discretion, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any consent, permission, or exemption granted under these regulations may be at any time revoked by the Minister (whether or not he granted it) or by the other person (if any) by whom it was granted, and any condition upon or subject to which any such consent, permission, or exemption is granted may from time to time be varied, revoked, or added to by the Minister or by the other person (if any) who grants the consent, permission, or exemption.

REGULATION 18.—NOTICES.

(1) The Minister may give notice in the *Gazette* of the exercise of any of his powers under these regulations or of any direction given by him under these regulations, and all persons shall be bound thereby.

(2) The Minister may, without any notice in the *Gazette*, give notice to any person of any direction given by him under these regulations, and every person to whom the notice is given shall be bound thereby.

(3) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(4) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(5) Except where otherwise specially provided, every notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(6) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

REGULATION 19.—PRODUCTION OF BOOKS.

If the Minister has reason to suspect that any person has committed an offence against these regulations, the Minister may require that person or any other person to produce to the Minister, or as he directs, any books or documents which may be in the possession or under the control of any such person and which in the opinion of the Minister may furnish evidence in relation to that offence.

REGULATION 20.—REGULATIONS BINDING ON TRUSTEES, ETC.

No obligation or limitation imposed on any person by or by virtue of any Act or other instrument determining his functions or powers, or by virtue of any trust, or otherwise howsoever, shall prevent or excuse that person from complying with any provision of these regulations or of any direction, notice, requirement, or condition given or imposed under these regulations.

REGULATION 21.—OFFENCES.

- (1) Every person commits an offence against these regulations who—
- (a) With intent to deceive, makes any false or misleading statement or any material omission in any declaration made for the purposes of these regulations or in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations :
- (b) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
- (c) Without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, notice, requirement, or condition given or imposed under these regulations.
- (2) Every person who commits an offence against these regulations shall be liable on summary conviction,—
- (a) In the case of an individual, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding £200 (or, if the offence is a continuing one, to a fine not exceeding £200 for every day during which the offence continues), or to both such imprisonment and to such fine :
- (b) In the case of a body corporate, to a fine not exceeding £1,000 or, if the offence is a continuing one, to a fine not exceeding £1,000 for every day during which the offence continues.

REGULATION 22.—PENALTIES.

- (1) Every person who, in respect of any gold, currency, or securities, wilfully commits an offence against Regulation 5, clause (1) or clause (2) of Regulation 6, or clause (2), clause (3), or clause (6) of Regulation 7 hereof shall be liable to a penalty of an amount equal to the value of that gold or currency or of those securities, as the case may be.
- (2) Every such penalty shall constitute a debt due by the offender to His Majesty the King, and shall be recoverable, together with costs of suit, by a civil action in the Supreme Court, instituted by the Attorney-General for and in the name of His Majesty.
- (3) Every penalty recovered under this regulation shall be paid into the War Expenses Account.

SCHEDULE.

Finance Emergency Regulations 1940 (No. 2).

DECLARATION BY TRAVELLERS (SIXTEEN YEARS OR OVER) RESPECTING MONEY AND SECURITIES.

I, [Name in full], of [Address], being about to depart from New Zealand in the [Name of vessel], do hereby solemnly declare that I am not taking from New Zealand either on my person or otherwise any money or securities except the money or securities detailed hereunder :—

Particulars.	Authority for taking from New Zealand.
Money:	
Securities :	

Signature

Date :

NOTE.—(1) This declaration must be signed immediately prior to the departure of the traveller, and it must be delivered to an officer of the Customs or member of the Police Force or other authorized officer when the traveller is boarding the vessel or aircraft.

(2) The traveller must have any money or securities that he has been authorized to take in readiness for production to the authorized officer at the time of presentation to him of the declaration, together with evidence of the authority.

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

The Alien Control Emergency Regulations 1939, Amendment No. 3.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. (1) These regulations may be cited as the Alien Control Emergency Regulations 1939, Amendment No. 3.

(2) These regulations shall be read together with and deemed part of the Alien Control Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by inserting, before the definition of the term "Minister", the following definition :—

" 'Enemy alien' means an alien who is or at any time has been a national of any State with which His Majesty is at war : "

3. Regulation 20 of the principal regulations is hereby amended by adding to clause (2) thereof the following proviso :—

" Provided that, if the Minister so orders, any such alien who is an enemy alien shall be delivered into the custody of such other person and shall be detained in such place and under such conditions as the Minister from time to time thinks fit."

4. The principal regulations are hereby amended by inserting therein, after Regulation 20 thereof, the following heading and regulation :—

"ALIENS TRIBUNALS.

" 20A. (1) For the purposes of these regulations there shall be established such number of Aliens Tribunals as the Governor-General from time to time thinks necessary. Every Aliens Tribunal shall be given such distinctive name as the Governor-General determines, and any such name may from time to time be changed by the Governor-General.

" (2) Every Aliens Tribunal shall consist of such number of persons, not exceeding three, as the Governor-General in each case thinks fit, to be appointed by the Governor-General, and to hold office during his pleasure. Where a Tribunal consists of more than one person one of the members shall be appointed by the Governor-General to be the Chairman of the Tribunal, and the quorum at sittings shall be such number as the Governor-General determines.

" (3) Any person may be appointed to hold office concurrently as a member of two or more Aliens Tribunals.

" (4) In the event of the sickness or other incapacity of any member of an Aliens Tribunal the Governor-General may appoint any person to act in the place of that member during his incapacity.

" (5) Every Aliens Tribunal shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

" (6) The procedure of an Aliens Tribunal shall, subject to these regulations, be such as the Tribunal thinks fit. An Aliens Tribunal may admit and accept such evidence as it thinks fit, whether admissible in a Court of law or not. Any alien who appears before an Aliens Tribunal, whether pursuant to a summons or otherwise, may be represented by a barrister or solicitor or, with the leave of the Tribunal, by any other person.

" (7) The functions of an Aliens Tribunal shall be to advise the Minister as to any matters arising under Regulation 20 hereof and as to any other matters referred to it by the Minister relating to the administration of that regulation, and in particular to inquire into and report upon any question as to whether any alien should be taken into custody or released from custody under the said Regulation 20.

* Statutory Regulations 1939, Serial number 1939/132, page 603.
Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/233, page 958.
Amendment No. 2 : Statutory Regulations 1939, Serial number 1939/248, page 997.

"(8) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of every Aliens Tribunal appointed under these regulations, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling expenses and allowances as may from time to time be directed or approved by the Minister of Finance."

5. The principal regulations are hereby further amended by inserting therein, after Regulation 23A thereof, the following headings and regulations:—

"RESTRICTING POSSESSION OF CERTAIN ARTICLES BY ENEMY ALIENS.

"23B. (1) An enemy alien shall not, without a written permit from a Registration Officer in the police district in which he resides, have in his possession or under his control in New Zealand—

"(a) Any explosive or any material intended to be used for the manufacture of an explosive:

"(b) More than 3 gallons of inflammable liquid:

"(c) Any motor-vehicle within the meaning of the Motor-vehicles Act, 1924, any sea-going craft, or any aircraft:

"(d) Any camera or other photographic apparatus:

"(e) Any map drawn to a scale larger than four miles to one inch:

"(f) Any nautical chart:

"(g) Any document intended for the use of members of any armed force:

"(h) Any document describing or depicting any ship, aircraft, vehicle, weapon, or equipment of a kind used by the armed forces of the Crown, or any list of persons in His Majesty's service.

"(2) A permit under this regulation may be subject to such conditions as the officer who issues it thinks advisable. Any such permit may be at any time amended or revoked by a Registration Officer by notice in writing delivered to the person to whom the permit was issued. Every enemy alien to whom a permit has been issued under this regulation shall on the expiry or revocation thereof forthwith deliver it to a Registration Officer in the police district in which he resides.

"(3) In any proceedings arising out of a contravention of the provisions of this regulation it shall be a defence to prove that at the date of the contravention application had been made for the necessary permit in relation to the objects in respect of which the proceedings are brought, and that the application was still pending at that date.

"(4) On the conviction of any person of an offence against this regulation the Court may (without prejudice to any other penalty) order that any object found in the possession or under the control of that person in contravention of this regulation shall be forfeited.

"(5) If any Superintendent or Inspector of Police has reason to suspect that an offence against this regulation has been committed, and that evidence of the offence is to be found at any premises, the Superintendent or Inspector, or any constable authorized by him in that behalf, may at any time of the day or night enter upon the premises and upon every part thereof, and search the premises and every person found therein, and seize any article found in the premises or on any such person which the Superintendent, Inspector, or constable has reasonable ground for believing to be evidence of such an offence. No female shall be searched pursuant to this clause except by a female.

"(6) Anything seized under this regulation may be retained for a period of one month or if within that period there are commenced any proceedings, being proceedings in which the thing seized is or can properly be adduced in evidence, until the conclusion of those proceedings.

"POWER TO IMPOSE SPECIAL RESTRICTIONS ON ALIENS.

"23C. The Minister may by order in writing impose on any alien or class of aliens such restrictions (either in addition to or in substitution for the other restrictions imposed by these regulations) as to residence, reporting to the police, registration, occupation, employment, the use or possession of any machine, apparatus, arms, and explosives, or other article, or otherwise, as he may deem to be necessary in the public interest, and any alien in relation to whom any such order is made shall comply with the terms of the order."

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

*The Primary Industries Emergency Regulations 1939,
Amendment No. 2.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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) These regulations may be cited as the Primary Industries Emergency Regulations 1939, Amendment No. 2.

(2) These regulations shall be read together with and deemed part of the Primary Industries Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) Regulation 2 of the principal regulations is hereby amended by inserting after the words "phormium fibre", in the definition of the term "primary product", the words "linen flax".

(4) Nothing in these regulations shall be deemed to limit or restrict the powers or functions conferred on the Minister or on the Controller by the principal regulations.

REGULATION 2.—DIRECTIONS AS TO PRODUCTION.

(1) The Minister or the Controller, so far as appears to him to be necessary or expedient for securing the defence of New Zealand or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, may from time to time require any person who is, or who in the opinion of the Minister or Controller should be, engaged in carrying on the business of producing, processing, manufacturing, packing, freezing, chilling, or storing any primary product to carry on business in accordance with directions given by the Minister or Controller, as the case may be, and to keep such books, accounts, and other records relating thereto as may be directed by the Minister or Controller.

(2) Without prejudice to the generality of the last preceding clause, any such directions given thereunder may—

(a) Require the owner or occupier of any land to cultivate and manage the land in such manner as may be specified in the directions, or to use the land in such manner, or to such extent, and for the production of such kinds or classes of primary products as may be so specified :

(b) Require the owner or occupier of any premises capable of being used for the production, processing, manufacturing, freezing, chilling, or storage of any primary product to employ upon such work and for such period as may be specified in the directions such persons or such class or description of persons or such number of persons or such number of persons of such class or description as may be so specified, not being persons who are stated by the Minister of National Service to be unavailable for such employment :

(c) Prescribe or limit the quantities of any primary product or any specified kind, class, quality, or grade of primary products that may be produced, processed, or manufactured on the premises of any such owner or occupier as is mentioned in the last preceding paragraph.

(3) No obligation or limitation imposed on any person by or by virtue of any Act or other instrument determining his or its functions or powers shall prevent or excuse that person from complying with any directions of the Minister or Controller.

* Statutory Regulations 1939, Serial number 1939/164, page 728.
Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/265, page 1633.

REGULATION 3.—CONTROL OF PRODUCTION.

(1) If any person fails to carry on business in accordance with directions given by the Minister or the Controller under the last preceding regulation, the Minister or Controller may authorize any other person or persons to carry on the whole or any part of the business in accordance with directions given by the Minister or Controller. The provisions of clause (2) of the last preceding regulation shall, with the necessary modifications, apply with reference to those directions.

(2) Any person or persons authorized under the last preceding clause to carry on the whole or any part of a business shall, while so doing, be deemed to be acting as the agent or agents of the proprietor of the business, except that the proprietor shall not have any right to control the carrying-on of the business or the part of the business, as the case may be.

(3) While the whole or any part of a business is being carried on by any person authorized so to do under clause (1) of this regulation, the proprietor of the business shall not be bound or, as the case may be, shall not in respect of such matters as may be specified in any directions given by the Minister or Controller be bound by any obligation or limitation imposed on the proprietor by or by virtue of any Act or other instrument determining his or its functions or powers.

(4) Without prejudice to the generality of the foregoing provisions of this regulation, any person or persons authorized under clause (1) of this regulation to carry on the whole or any part of a business may dismiss any servants of the proprietor of the business and may, in respect of any premises used or appropriated for the purposes of the business, restrict the rights of any person or persons to have access thereto.

(5) Any person or persons authorized under clause (1) of this regulation to carry on the whole or any part of a business shall be entitled to receive remuneration, at a rate or rates to be fixed by the Minister, out of the funds of the business.

REGULATION 4.—REQUISITION OR USE OF PROPERTY.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon the Controller by the principal regulations, take possession of, or requisition, any land, buildings, parts of buildings, or goods, and may give such directions as appear to him to be expedient in connection with the taking of possession of that land or of those buildings, parts of buildings, or goods.

(2) Where the Minister is in possession of, or requisitions, any property under this regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), as he thinks necessary or expedient for the effectual exercise of any of the powers or functions conferred upon him or upon the Controller by the principal regulations, and may hold, and use, and in the case of goods sell or otherwise dispose of, the property as if he were the owner thereof and as if the property were free from any mortgage, pledge, lien, or other similar obligation.

(3) Any person who is the owner of any property or who has any mortgage, pledge, lien, or other security thereover or who has any other title thereto shall, if he suffers loss by the exercise in respect of that property of any of the powers conferred by this regulation, be entitled to compensation in respect of that loss out of moneys appropriated by Parliament for the purpose.

(4) If any question arises as to the amount to be paid to any person under this regulation and that person and the Minister are unable to agree thereon, the question shall be referred to one

arbitrator if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by that person and one by the Minister under the provisions of the Arbitration Act, 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any Court for the recovery of the amount claimed.

(5) The Minister, if it appears to him to be necessary or expedient for the effectual exercise of his powers under clause (1) of this regulation so to do, may, by notice given as respects the whole of New Zealand or any part thereof, require all persons in the area to which the notice applies who, on such date as may be specified in the notice, have or had in their possession or control or on order by them such goods as may be described in the notice to furnish to the Minister or to the Controller, or to such other person as may be specified in the notice, such information and particulars in relation to the goods at such time and in such form and manner as may be directed by the notice, and may direct that no person shall remove any such goods or cause or permit them to be removed until such date as may be specified in the notice or until the removal is permitted by the Minister or by the Controller or by such other person as may be specified in the notice.

(6) For the purposes of this regulation the term "goods" includes all chattels personal other than money or things in action, and also includes machinery, notwithstanding that it may be attached to any land or building.

REGULATION 5.—CONTRACTS.

(1) Where the failure, whether before or after the commencement of these regulations, to fulfil any contract has been directly or indirectly due to compliance on the part of any person with any of the provisions of the principal regulations or with any direction, restriction, requirement, or condition given or imposed thereunder, or has been directly or indirectly due to the exercise by the Minister or by the Controller of any of the powers or functions conferred by the principal regulations, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(2) This regulation shall apply with respect to all contracts whether made before or after the commencement of these regulations.

REGULATION 6.—OFFENCES.

(1) Every person who with intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or Controller (whether in writing or otherwise) commits an offence against the principal regulations.

(2) Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of the principal regulations or any direction, restriction, requirement, or condition given or imposed under those regulations commits an offence against those regulations.

(3) Every person who obstructs any person in the exercise or in the attempted exercise of any right or power conferred under the principal regulations commits an offence against those regulations.

(4) Every person who commits an offence against the principal regulations shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment in the case of an individual, or to a fine not exceeding £1,000 in the case of a company or other corporation.

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

The Supply Control Emergency Regulations 1939, Amendment No. 1.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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) These regulations may be cited as the Supply Control Emergency Regulations 1939, Amendment No. 1.

(2) These regulations shall be read together with and deemed part of the Supply Control Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) For the purposes of the principal regulations, unless the context otherwise requires, the term "industry" includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever.

REGULATION 2.—CONTROLLED INDUSTRIES.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, by notice declare that any industry is a controlled industry for the purposes of the principal regulations. Any such declaration may apply generally or may be limited to apply within any particular area.

(2) No person shall, while an industry is a controlled industry, commence to carry on business in that industry, or sell or transfer the control of any undertaking or of any part of an undertaking in that industry, unless he has the prior consent of the Minister.

(3) The Minister may from time to time, notwithstanding the provisions of any Act, require the proprietor of any undertaking which is being carried on, or which the Minister considers should be carried on, in a controlled industry to carry on the undertaking, or any part of the undertaking, in accordance with directions given by the Minister, and to keep such books, accounts, and other records relating thereto as may be directed by the Minister.

(4) Without prejudice to the generality of the last preceding clause, any such directions given thereunder may—

(a) Require the proprietor of the undertaking to employ upon such work and for such period as may be specified in the directions such persons or such class or description of persons or such number of persons or such number of persons of such class or description as may be so specified, not being persons who are stated by the Minister of National Service to be unavailable for such employment:

(b) Fix the price or remuneration to be paid for any goods produced or supplied, or services rendered, by the proprietor of the undertaking in accordance with the directions, whether or not that price or remuneration has previously been fixed or limited under any other enactment.

(5) No obligation or limitation imposed on the proprietor of the undertaking by or by virtue of any Act or other instrument determining his or its functions or powers shall prevent or excuse the proprietor from complying with any directions of the Minister.

(6) With a view to ascertaining whether any directions of the Minister with respect to any undertaking are complied with, any person authorized in that behalf by the Minister may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking, and may inspect any books, accounts, or other documents relating to the undertaking.

REGULATION 3.—CONTROLLED UNDERTAKINGS.

(1) The Minister may, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, by notice declare that any undertaking is a controlled undertaking for the purposes of the principal regulations.

* Statutory Regulations 1939, Serial number 1939/131, page 599.

(2) The Minister may authorize any person or persons to carry on the whole or any part of a controlled undertaking in accordance with directions given by the Minister. Any such directions may fix the price or remuneration to be paid for any goods produced or supplied, or services rendered, by the undertaking while it is being so carried on, whether or not that price or remuneration has previously been fixed or limited under any other enactment.

(3) Any person or persons authorized by the Minister under the last preceding clause to carry on the whole or any part of an undertaking shall, while so doing, be deemed to be acting as the agent or agents of the proprietor of the undertaking, except that the proprietor shall not have any right to control the carrying-on of the undertaking or the part of the undertaking, as the case may be.

(4) While the whole or any part of an undertaking is being carried on by any person or persons authorized by the Minister so to do under clause (2) of this regulation, the proprietor of the undertaking shall not be bound or, as the case may be, shall not in respect of such matters as may be specified in any directions given by the Minister be bound by any obligation or limitation imposed on the proprietor by or by virtue of any Act or other instrument determining his or its functions or powers.

(5) Without prejudice to the generality of the foregoing provisions of this regulation, any person or persons authorized by the Minister under clause (2) of this regulation to carry on the whole or any part of an undertaking may dismiss any servants of the proprietor of the undertaking and may, in respect of any premises used or appropriated for the purposes of the undertaking, restrict the rights of any person or persons to have access thereto.

(6) Any person or persons authorized by the Minister under clause (2) of this regulation to carry on the whole or any part of an undertaking shall be entitled to receive remuneration, at a rate or rates to be fixed by the Minister, out of the funds of the undertaking.

REGULATION 4.—REQUISITION OR PURCHASE OF PROPERTY.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, take possession of, or requisition, any land, buildings, parts of buildings, or goods, and may give such directions as appear to him to be expedient in connection with the taking of possession of that land or of those buildings, parts of buildings, or goods.

(2) Where the Minister is in possession of, or requisitions, any property under this regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), as he thinks necessary or expedient for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, and may hold, and use, and, in the case of goods, sell or otherwise dispose of, the property as if he were the owner thereof and as if the property were free from any mortgage, pledge, lien, or other similar obligation.

(3) Any person who is the owner of any property or who has any mortgage, pledge, lien, or other security thereover or who has any other title thereto shall, if he suffers loss by the exercise in respect of that property of any of the powers conferred by this regulation, be entitled to compensation in respect of that loss out of moneys appropriated by Parliament for the purpose. The amount of the compensation shall be ascertained in the manner provided by Regulation 9 of the principal regulations.

(4) The Minister, if it appears to him to be necessary or expedient for the effectual exercise of his powers under clause (1) of this regulation so to do, may, by notice given as respects the whole of New Zealand or any part thereof, require all persons in the area to which the notice applies who, on such date as may be specified in the notice, have or had in their possession or control or on order by them such goods as may be described in the notice to furnish to the Minister or to a Controller or to such other person as may be specified in the notice, such information and particulars in relation to the goods at such time and in such form and manner as may be directed by the notice, and may direct that no person shall remove any such goods or cause or permit them to be removed until such date as may be specified in the notice or until the removal of the goods is permitted by the Minister or by a Controller or by such other person as may be specified in the notice.

(5) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, authorize the purchase of any goods and the sale or other disposition of any goods so purchased.

(6) For the purposes of this regulation the term "goods" includes all chattels personal other than money or things in action, and also includes machinery, notwithstanding that it may be attached to any land or building.

REGULATION 5.—CONTRACTS.

(1) Where the failure, whether before or after the commencement of these regulations, to fulfil any contract has been directly or indirectly due to compliance on the part of any person with any of the provisions of the principal regulations or with any direction, restriction, requirement, or condition given or imposed thereunder, or has been directly or indirectly due to the exercise by the Minister or by any Controller of any of the powers or functions conferred by the principal regulations, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(2) This regulation shall apply with respect to all contracts whether made before or after the commencement of these regulations.

REGULATION 6.—ADVISORY BODIES.

(1) The Minister may appoint an Advisory Council, to be known as the Supply Advisory Council, consisting of such persons as the Minister thinks fit.

(2) The function of the Supply Advisory Council shall be to advise the Minister as to any matters referred to it by him relating to the administration of the principal regulations or affecting production or supply.

(3) At any meeting of the Supply Advisory Council at which the Minister is present he shall act as chairman, and at all other meetings the chairman shall be a person nominated by the Minister.

(4) The Minister may also, if he thinks it expedient so to do, from time to time appoint an advisory committee in relation to any particular industry or part of an industry, whether within a particular area or not, or in relation to any particular undertaking or undertakings. The Minister may define the functions of any such advisory committee, and those functions may include the formulation of plans or proposals for the organization of the industry, part of the industry, undertaking, or undertakings, as the case may be, with a view to securing the more efficient working thereof.

(5) The Supply Advisory Council and all advisory committees appointed under this regulation shall hold office during the pleasure of the Minister and shall be subject in all things to the control of the Minister.

(6) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Supply Advisory Council and of every advisory committee appointed under this regulation, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances, and such travelling expenses and allowances as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

REGULATION 7.—OFFENCES.

Regulation 10 of the principal regulations is hereby amended by adding the following clauses:—

"(3) Every person who obstructs any person in the exercise or in the attempted exercise of any right or power conferred under these regulations commits an offence against these regulations.

"(4) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment in the case of an individual, or to a fine not exceeding £1,000 in the case of a company or other corporation."

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

The Public Safety Emergency Regulations 1940, Amendment No. 1.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. (1) These regulations may be cited as the Public Safety Emergency Regulations 1940, Amendment No. 1.

(2) These regulations shall be read together with and deemed part of the Public Safety Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

2. (1) Regulation 1 of the principal regulations is hereby amended by inserting in clause (3), after the definition of the term "money", the following definition:—

" 'Organization' includes, as well as any society or body, any two or more persons associated for any purpose who act or intend to act in conjunction with one another, or who associate together with the object of considering or carrying out purposes as an organization, whether those purposes are to be carried out by any number of those persons or by any other person or persons acting on their behalf: "

(2) Regulation 1 of the principal regulations is hereby further amended by inserting in clause (3), after the definition of the term "statement", the following definition:—

" 'Subversive organization' means any organization for the time being declared by the Attorney-General under Regulation 2A hereof to be a subversive organization for the purposes of these regulations: "

(3) Regulation 1 of the principal regulations is hereby further amended by adding to the definition of the term "subversive statement" in clause (3) the following paragraph:—

" (h) A statement the publication of which is or would be a contravention of clause (3) of Regulation 2A of these regulations: "

3. The principal regulations are hereby amended by inserting therein, after Regulation 2 thereof, the following new regulation:—

"REGULATION 2A.—SUBVERSIVE ORGANIZATIONS.

" (1) If the Attorney-General is satisfied that any of the purposes, methods, or activities of any organization have a subversive tendency, or may be injurious to the public safety, or are likely to lead to attempts to influence the public, the Government, or any local authority or public body otherwise than by lawful and constitutional means, the Attorney-General may, by notice published in the *Gazette*, declare the organization to be a subversive organization for the purposes of these regulations.

" (2) Any such notice may be at any time in like manner amended or revoked.

" (3) No person shall—

" (a) Summon, organize, conduct, address, attend, or invite any other person to attend any meeting held or proposed to be held by or for the purposes of a subversive organization :

" (b) Use any premises for the purposes of a subversive organization :

" (c) Cause or permit to be displayed on or in respect of any premises any notice, sign, or other indication of any kind whatsoever indicating that the premises are the premises of a subversive organization, or are being used by or for the purposes of a subversive organization :

" (d) Being an owner or occupier of any premises, permit, or offer or agree to permit, the use of the premises by or for the purposes of a subversive organization :

" (e) Participate in the activities of, or aid, abet, or encourage in any way whatsoever the continuance, activities, or objects of any subversive organization, or by any badge, symbol, uniform, flag, banner, or any other means whatsoever identify himself with or express his approval of any subversive organization.

" (4) Regulation 4 hereof shall apply with respect to every payment or attempted payment of any money to or for the benefit of a subversive organization, and to every payment or attempted payment of any money in contravention of the next succeeding clause.

* Statutory Regulations 1940, Serial number 1940/26.

"(5) Except with the prior consent of the Attorney-General, no money held by or on behalf of a subversive organization or held for the purposes of a subversive organization shall be paid or expended for any purpose other than—

"(a) The payment to any creditor (not being an officer or a member of the organization) of any debt lawfully incurred by or on behalf of the organization before it was declared to be a subversive organization :

"(b) Such patriotic purpose within the meaning of the Patriotic Purposes Emergency Regulations 1939,* or such other purpose, as may from time to time be approved by the Attorney-General for the purposes of this clause, either generally or in respect of any particular organization.

"(6) The Attorney-General may appoint a Receiver of all money held by or on behalf of a subversive organization or held for the purposes of a subversive organization, and thereupon all such moneys and all the rights, powers, and remedies of the organization or of any member or officer thereof in respect of such moneys shall be deemed to be vested in the Receiver.

"(7) Any person found committing an offence against this regulation may be arrested without warrant.

"(8) Every person who commits an offence against this regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50.

"(9) The provisions of this regulation are in addition to and not in derogation of the other provisions of these regulations."

C. A. JEFFERY,

Clerk of the Executive Council.

* Statutory Regulations 1939, Serial number 1939/194, page 799.

The Labour Legislation Emergency Regulations 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Labour Legislation Emergency Regulations 1940.

2. If it appears to the Minister of Labour to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, the Minister by order published in the *Gazette* may suspend, so far as they relate to conditions of employment, the provisions of any Act, or of any regulations or orders under any Act, or of any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1925, or of any agreement under the Labour Disputes Investigation Act, 1913, or of any voluntary agreement, and the Minister by the same or any subsequent order may prescribe conditions of employment in lieu thereof.

3. Every order made by the Minister of Labour under the last preceding regulation shall apply to such industry or part thereof, or to such particular case, as may be prescribed in the order, and shall take effect from such date and upon and subject to such terms and conditions (if any) as may be so prescribed.

4. Any order made by the Minister of Labour under Regulation 2 of these regulations and any terms or conditions prescribed in any order may from time to time if the Minister thinks fit be varied, extended, added to, or revoked by the Minister by order published in the *Gazette*.

5. The Labour Legislation Emergency Regulations 1939* are hereby revoked, and it is hereby declared that any orders made thereunder shall continue in full force and effect as if they had been made under these regulations and accordingly, where necessary, shall be deemed to have been so made.

C. A. JEFFERY,

Clerk of the Executive Council.

* Statutory Regulations 1939, Serial number 1939/167, page 735.

By Authority: E. V. PAUL, Government Printer, Wellington.