



THE
NEW ZEALAND GAZETTE
 EXTRAORDINARY.

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WELLINGTON, SATURDAY, AUGUST 17, 1940.

The National Service Emergency Regulations 1940, Amendment No. 1.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of August, 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 National Service Emergency Regulations 1940, Amendment No. 1.

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

3. Regulation 5 of the principal regulations is hereby amended by adding the following clauses:—

“(4) For the purposes of this regulation a person shall be deemed to be resident in New Zealand if his home is in New Zealand.

“(5) Every person who has arrived in New Zealand (whether before or after the commencement of these regulations) with the intention of establishing his home in New Zealand or with the intention of remaining in New Zealand for an indefinite period shall be deemed for the purposes of this regulation to be resident in New Zealand from the date of his arrival.

“(6) Without limiting the provisions of the last two preceding clauses, it is hereby declared that every person who (having arrived in New Zealand before or after the commencement of these regulations) has remained or remains in New Zealand for a continuous period of not less than twelve months shall, unless and until he satisfies the Director to the contrary, be deemed for the purposes of this regulation to be resident in New Zealand. For the purposes of this clause the continuous presence of any person in New Zealand shall not be deemed to have been interrupted by his absence from New Zealand for any period or periods if none of those periods exceeds four months.

“(1) Every person for the time being engaged under New Zealand articles in any ship shall be deemed for the purposes of this regulation to be resident in New Zealand unless he satisfies the Director that he is not resident in New Zealand and is resident in some other country.”

4. Regulation 26 of the principal regulations is hereby amended by omitting from clause (1) the words “Chairman of the Board for the district in which the appellant is for the time being resident”, and substituting the words “Director of National Service at Wellington”.

5. The principal regulations are hereby amended by inserting, after Regulation 26, the following additional regulation:—

“REGULATION 26A.—TRANSMISSION OF NOTICE TO APPEAL BOARD.

“(1) On receipt of any notice of appeal (whether posted within the time limited under these regulations or not) the Director shall transmit it to the Chairman of that Appeal Board which in the opinion of the Director may most conveniently hear the appeal.

“(2) The Director may, if he thinks fit, transmit with the notice of appeal any documentary evidence or statement which he desires to bring to the knowledge of the Appeal Board.”

6. Regulation 32 of the principal regulations is hereby amended by adding the following as clauses (2) and (3) thereof:—

“(2) Every appeal under this regulation shall be instituted by transmitting a notice of appeal to the Chairman of that Appeal Board which in the opinion of the Director may most conveniently hear the appeal.

“(3) The provisions of these regulations as to appeals, except Regulation 26 (2) and the proviso to Regulation 27 (2), shall, so far as they are applicable and with the necessary modifications, apply with respect to appeals under this regulation.”

C. A. JEFFERY,

Clerk of the Executive Council.

The Emergency Precautions Regulations 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of August, 1940.

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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 Emergency Precautions Regulations 1940.

2. (1) In these regulations, unless the context otherwise requires,—

- “ Board ” means a Town Board or a Road Board:
- “ Committee ” means a committee appointed under these regulations:
- “ Council ” means a Borough Council or a County Council:
- “ Emergency ” means an emergency, whether arising from fire, flood, earthquake, enemy action, a threat of enemy action, or otherwise howsoever, in which the community or any substantial portion of the community is deprived or is likely to be deprived of the essentials of life, or the public safety or the public order is imperilled or is likely to be imperilled:
- “ Emergency precautions organization ” means an emergency precautions organization established under these regulations:
- “ Emergency Reserve Corps ” means the Emergency Reserve Corps established by the Emergency Reserve Corps Regulations 1940
- “ Local authority ” means any local authority or public body that 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:
- “ Minister ” means the Minister of National Service:
- “ Scheme ” means an emergency precautions scheme prepared under these regulations.

(2) For the purposes of these regulations, the term “ responsible authority,” in relation to any scheme, means the Council or Board of the district for which the scheme is prepared. In the case of a combined scheme the responsible authority shall be the Council of the borough or principal borough in the combined district, or if there is no borough shall be the Council of the county or principal county, or if there is no borough or county shall be the Board of the town district or principal town district, or if there is no borough, county, or town district shall be the Board of the principal road district. Where there are two or more districts of the same kind in the combined district the one that has the largest population shall be deemed to be the principal one.

3. (1) Any Council or Board may from time to time prepare an emergency precautions scheme for its district. Any such scheme may be prepared and operated by the Council or Board in conjunction with any other local authority.

(2) Any Council or Board may act in conjunction with any other Council or Board in the preparation and operation of a combined scheme for the districts under their jurisdiction.

(3) Any scheme prepared under these regulations may be at any time in like manner amended or revoked.

(4) Every emergency precautions scheme prepared by any Council or Board before the commencement of these regulations shall be deemed to have been prepared under these regulations.

4. Every scheme shall, having regard to the requirements of the district for which it is prepared, make provision for such of the matters specified in the second column of the Schedule to these regulations, and such other matters in relation to the preservation of life, the protection of property, and the maintenance of law and order and essential services as may be deemed necessary.

5. (1) Every scheme shall also make provision for an emergency precautions organization consisting of a central committee and of such other committees (whether referred to in the Schedule to these regulations or not) and of such controllers and other persons as may be deemed necessary.

(2) Every emergency precautions organization shall form part of the Emergency Reserve Corps.

(3) The Chairmen and functions of the committees referred to in the said Schedule shall be as specified in that Schedule.

(4) Subject to the last preceding clause, any committee may consist of or include any specified persons or classes of persons or the holders for the time being of any specified offices or classes of offices, whether in the service of the Government or of any local authority or otherwise.

(5) In addition to the members of the committees, any specified persons or classes of persons or the holders for the time being of any specified offices or classes of offices may be appointed to be members of the emergency precautions organization with such functions and duties as may be provided for by the scheme or prescribed by the central committee. Every such appointment shall be evidenced by writing signed by the Chairman of the central committee.

6. (1) Any member of an emergency precautions organization may from time to time give such orders and directions as he deems necessary for the effective performance of his functions and duties to any other member of the organization who is subject to his control or to any person who is not a member of the organization.

7. (1) Any local authority may expend moneys for the purposes of a scheme or for any purposes connected with the preparation or operation of a scheme.

(2) For any such purpose any local authority may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.

8. Notwithstanding anything to the contrary in section 4 of the Public Safety Conservation Act, 1932, the following provisions shall apply whenever any emergency arises in any district for which a scheme has been prepared:—

(a) The senior officer of the Police Force present in the locality shall assume responsibility for the issuing of all orders and instructions necessary in his opinion for the maintenance of order.

(b) The Chairman of the central committee shall assume responsibility for the issuing of all other orders and instructions necessary in his opinion for the operation of the scheme.

9. (1) The Minister may from time to time require any local authority to exercise any of the powers conferred upon it by these regulations.

(2) In the exercise of any powers or functions under these regulations every local authority, organization, committee, and person shall act in accordance with all directions, general or special, given in that behalf by the Minister.

(3) Without limiting the general powers conferred on the Minister by this regulation, it is hereby declared that, in the exercise of any powers or functions under these regulations, every local authority, organization, committee, and person shall, so far as practicable, act in co-operation with all other available branches of the Emergency Reserve Corps.

10. Regulation 4 of the Motor-vehicles Impressment Emergency Regulations 1939 is hereby amended by omitting from clause (2) the words "Under-Secretary of the Internal Affairs Department", and substituting the words "Director of National Service".

11. 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 order, instruction, direction, restriction, requirement, or condition given or imposed under these regulations or under any scheme:

(b) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations or under any scheme.

SCHEDULE.

LIST OF COMMITTEES.

Committee and Chairman.	Matters dealt with.
1. Central: Mayor or Chairman of the responsible authority. (This Committee must be set up. See clause (1) of Regulation 5 of these regulations)	Policy, general control, including finance; dealings with Government and outside bodies; co-ordination of all committees.
2. Supply: Controller of Supply	Provision, purchase, requisition, control of dealings with, and distribution of, land, buildings, and supplies, including food, clothing, and other necessities, vehicles, materials, equipment, and all other things required for the purposes of the scheme.
3. Transport: Controller of Transport	Control and distribution of transport.
4. Women's Auxiliary Committee	Co-ordination and direction of the activities of women's organizations.
5. Medical and Public Health: Controller of Medical Services	Medical arrangements, including first aid, collection and evacuation of casualties, hospital treatment (including gas casualties), public health and sanitation.
6. Law and Order: Senior Police Officer	Assistance to police generally; provision of patrols, guards, air-raid wardens; control of access to damaged area; control of traffic.
7. Communications: Controller of Communications	Provision and control of communications, including Post and Telegraph facilities, radio, press, and messengers.
8. Works: Controller of Works	Provision and control of electricity, gas, and fuel; provision and control of rescue and street-clearing parties; water-supply and drainage; all temporary construction; civilian anti-gas training; fire-fighting arrangements, including additional fire patrols and demolition parties; labour, including requirements of other committees.
9. Accommodation and Evacuation: Controller of Accommodation	Provision and control of temporary accommodation, including arrangements for cooking, &c; arrangements for evacuating any uninjured inhabitants, if advisable.
10. Finance and Records: Controller of Finance	Financial arrangements; co-ordination of the financial activities of other committees; statistics, general records, registration of population (if required) and labour.
11. Publicity and Information: Controller of Publicity	Preparation of information; direction of press activities; provision of entertainment, such as music, radio, pictures, &c.
12. Harbour Committee ..	Any measures necessary for the waterfront and the harbour.

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

The Emergency Reserve Corps Regulations 1940.

GALWAY, Governor-General.

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REGULATIONS.

REGULATION 1—PRELIMINARY.

These regulations may be cited as the Emergency Reserve Corps Regulations 1940.

REGULATION 2.—INTERPRETATION.

In these regulations, unless the context otherwise requires,—

“Area” means an area defined by the Minister for the purposes of these regulations :

“Committee” means a Home Guard Committee established under these regulations :

“Corps” means the Emergency Reserve Corps established by these regulations :

“Emergency precautions organization” means an emergency precautions organization established under the Emergency Precautions Regulations 1940 :

“Home Guard” means the Home Guard established by these regulations :

“Local authority” means a Borough Council, County Council, Town Board, or Road Board :

“Minister” means the Minister of National Service ;

“Sub-committee” means a sub-committee of a committee established under these regulations.

REGULATION 3.—EMERGENCY RESERVE CORPS.

(1) For the purpose of assisting in the preparation and operation of plans for securing the public safety, the defence of New Zealand, and the efficient prosecution of any war in which His Majesty may be engaged, and of plans for maintaining supplies and services essential to the life of the community, there is hereby established an Emergency Reserve Corps (hereinafter referred to as the Corps).

(2) The Corps shall consist of—

(a) The Home Guard :

(b) All emergency precautions organizations :

(c) The Women’s War Service Auxiliary :

(d) Such other organizations and persons or classes of persons as may from time to time be declared by the Minister to form part of the Corps.

(3) All British subjects who have attained the age of sixteen years and are not actively attached to any of His Majesty’s Forces shall be eligible for enrolment in the Corps.

(4) In the exercise of any powers or functions under or for the purposes of these regulations the Corps and every local authority, organization, committee, sub-committee, and person shall act in accordance with all directions, general or special, given in that behalf by the Minister.

(5) Any local authority may from time to time contribute any sum or sums of money to the funds or for the purposes of the Corps or any branch thereof.

(6) If the Minister is satisfied that any of the activities of any organization other than the Corps or a branch thereof are activities which in his opinion should not be carried on by any organization outside the Corps, the Minister may, by notice in writing, require the organization to discontinue those activities.

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

(8) Every person commits an offence against these regulations who participates in, or aids, abets, or encourages in any way whatsoever any activities for the time being required under clause (6) of this regulation to be discontinued.

REGULATION 4.—UNIFORMS AND EQUIPMENT.

(1) The Minister may from time to time authorize the use by members of the Corps, either generally or in respect of any particular district, area, branch, or subdivision, of any uniforms, armlets, badges, insignia, or distinctive dress or form of clothing.

(2) The Minister, or any local authority, public body, or committee, may arrange for the supply and issue of any suitable equipment to any members of the Corps.

REGULATION 5.—HOME GUARD.

(1) There is hereby established a branch of the Corps to be known as the Home Guard.

(2) The functions of the Home Guard shall be to assist in the prosecution of any war in which His Majesty may for the time being be engaged, in all or any of the following ways:—

- (a) By promoting the physical and military fitness and the efficiency and usefulness of its members:
- (b) By providing guards, pickets, patrols, sentries, and coast-watchers:
- (c) By organizing bodies or detachments of its members in specialist or expert duties for the purpose of co-operating with and assisting any emergency precautions organization or any other branch of the Corps or any of his Majesty's Forces, and generally for the purpose of making the most effective use of their services:
- (d) By any other means approved by the Minister.

(3) The Home Guard shall be divided into such subdivisions, based on such districts and areas, as may from time to time be determined by the Minister.

(4) There shall from time to time be appointed a Dominion Commander, who, under the control of the Minister and subject to these regulations, shall have command of the Home Guard.

(5) There shall also be appointed from among the members of the Home Guard such District Commanders, Area Commanders, and other Commanders, and other officers as may be determined by the Minister.

(6) Every Commander shall be appointed by the Minister and shall hold office during the pleasure of the Minister. All Commanders in any locality below the rank of Area Commander shall be appointed on the recommendation of the committee for the locality.

(7) All other officers of the Home Guard shall be appointed by such persons and in such manner as may be authorized by the orders of the Dominion Commander.

REGULATION 6.—HOME GUARD COMMITTEES.

(1) In every area the local authorities having their districts in the area shall divide the area into localities, and the local authorities having their districts or any portion thereof in any such locality shall establish a committee, to be known as the [*Name of locality*] Home Guard Committee, consisting of such persons as may be agreed upon by the local authorities, so as to ensure, as far as may be, adequate representation of all authorities, bodies, associations, and organizations interested in or affected by the organization of the Home Guard.

(2) Each committee shall be responsible for arranging in its locality for—

- (a) The selection and enrolment of members of the Home Guard, and the recommendation of members of the Home Guard for appointment as Commanders:
- (b) The subdivisions of the Home Guard and their location, having regard to local requirements in the event of an emergency:
- (c) The times and places of assembly of the Home Guard or subdivisions thereof for training, parades, or service:
- (d) The provision by the local authorities in the locality of office accommodation, clerical assistance, stationery, and services for the Home Guard:
- (e) The co-operation of the Home Guard with any emergency precautions organization or any other branch of the Corps or any other authority or organization requiring the services of the Home Guard:
- (f) Generally all matters not inconsistent with these regulations that may be deemed necessary or expedient to promote the most effective use of the Home Guard.

(3) Any committee may appoint sub-committees and may delegate to any sub-committee such of the functions of the committee as it thinks fit.

(4) Every committee and sub-committee shall keep a record of its proceedings, which shall at all convenient times be open to inspection by the Director of National Service or any person appointed by him.

(5) Except as otherwise expressly provided, every committee and sub-committee shall regulate its own procedure.

REGULATION 7.—ENROLMENT AND DISCHARGE OF HOME GUARD.

(1) Every person who is desirous of becoming a member of the Home Guard shall complete the particulars concerning himself set out in a Form of Enrolment to be provided for the purpose by the Minister, and upon being selected shall be attested by making the declaration and swearing the oath of allegiance set out in the Form of Enrolment before—

- (a) A commissioned officer of any of His Majesty's Forces ;
- (b) A Commander of any subdivision of the Home Guard ;
- (c) The Chairman of any committee or sub-committee ;
- (d) A Member of the General Assembly ;
- (e) A Justice of the Peace ; or
- (f) A Solicitor of the Supreme Court.

(2) The application of any person for enrolment in the Home Guard may be rejected on the ground of physical unfitness or on any other ground, or without any ground being specified.

(3) Upon being attested the applicant shall become a member of the Home Guard. Every member of the Home Guard shall at all times obey the orders and instructions of all Commanders and other officers set over him.

(4) Nothing in these regulations shall absolve any person from any liability for service with any of His Majesty's Forces. If any member of the Home Guard becomes actively attached to any of His Majesty's Forces otherwise than as a member of the Home Guard he shall be forthwith discharged from the Home Guard.

(5) Every member of the Home Guard shall remain a member thereof until he is discharged. Discharges may be granted by such persons and in such manner as may be authorized by the orders of the Dominion Commander.

(6) Upon being discharged a member of the Home Guard shall return to the Commander of his subdivision, or to his representative, or otherwise account for all property issued to him as a member of the Home Guard.

REGULATION 8.—MOBILIZATION OF HOME GUARD.

The Governor-General may at any time, by Proclamation, if in his opinion it is necessary for the defence of New Zealand by reason of enemy action or a threat of enemy action, call up the Home Guard or any subdivision thereof for military service with the Defence Forces under the Defence Act, 1909, and thereupon the Home Guard or that subdivision, and every member thereof, shall be deemed to be included in the Defence Forces.

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