

Serial Number 1940/119.



**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.

* 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.

“(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.

“(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.