

Serial Number 1939/134.



THE AVIATION EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, 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 Aviation Emergency Regulations 1939.

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

“Aircraft” means any machine which can derive support in the atmosphere from reactions of the air, and includes (1) aerostats, whether free balloons, captive balloons, or airships ; and (2) aerodynes, both (a) non-mechanically driven, whether gliders or kites, and (b) mechanically driven, whether aeroplanes, gyroplanes, rotocopters, or ornithopters ; and aeroplanes include land planes, seaplanes, and amphibians :

“Aerodrome” means any definite or limited ground or water area used or intended to be used, whether regularly or occasionally and whether wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto.

3. It shall be lawful for any officer of the Royal New Zealand Air Force authorized in that behalf by the Air Board constituted under section 12 of the Air Force Act, 1937, from time to time and at any time to requisition, purchase, lease, take possession of, or use for the purpose of His Majesty’s Naval, Military, or Air Forces or for any other service of State, any aerodrome, aircraft, aircraft equipment, machinery, plant, material, and things found therein or thereon.

4. The fact that any officer of the Royal New Zealand Air Force exercises any of the powers conferred by the last preceding regulation shall be conclusive evidence that he is duly authorized so to do.

5. Any exercise of any of the powers conferred by Regulation 3 hereof shall be effected by notice in writing stating that such notice is given under the authority of these regulations, and shall be sufficient if served upon the owner, proprietor, or person for the time being in apparent control or possession of the property or thing in respect of which any such power is being exercised.

6. Any such notice may from time to time be withdrawn, modified, or superseded wholly or in part by any subsequent notice.

7. Every such notice shall take effect according to the tenor thereof, but subject to any arrangement that may at any time be made between the Air Board of the one part and the owner of the other part.

8. No person shall sell, transfer, or let on hire (whether under charter or otherwise) or do anything involving the creation of a charge on any aircraft, airframe, aero-engine, or airscrew without the prior consent of the Air Board, signified in writing under the hand of the Air Secretary ; and if any person purports to effect any such transaction without such consent, then, in addition to the transaction being void, he shall be guilty of an offence against these regulations.

9. Any person who suffers any direct injury or loss owing to the exercise of any of the powers hereinbefore conferred shall be entitled to receive compensation therefor, the amount of such compensation to be fixed by agreement with the Air Board with the concurrence of the Minister of Finance or, in default of agreement, to be fixed by a Compensation Court under Part III of the Public Works Act, 1928.

10. Except with the prior consent in writing of the Air Board, no person shall install or carry, or permit to be installed or carried, any photographic camera in or take photographs from any aircraft.

11. All rights of property or contractual or other rights accruing to or vested in His Majesty the King by the operation of any notice under these regulations, and any power, authority, or discretion so accruing or vested, may be enforced or exercised by the Air Board or by any person appointed by the said Board in that behalf either in its or his own respective name or in the name of His Majesty the King.

12. Any person who fails to comply with any notice or with any lawful demand made pursuant to the powers conferred by these regulations, or who commits or attempts to commit a breach of Regulation 10 hereof, shall be deemed to have committed an offence against these regulations.

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

Issued under the authority of the Regulations Act, 1936.
Date of publication in *Gazette* : 4th day of September, 1939.
These regulations are administered by the Air Department.

(A.S. 5/23.)