

Serial Number 1943/180



**THE ACCOMMODATION EMERGENCY REGULATIONS 1941,  
AMENDMENT NO. 2**

C. L. N. NEWALL, Governor-General

By his Deputy,  
MICHAEL MYERS

ORDER IN COUNCIL

At the Government House at Wellington, this 17th day of  
November, 1943

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 Accommodation Emergency Regulations 1941, Amendment No. 2, and shall be read together with and deemed part of the Accommodation Emergency Regulations 1941\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day following the date of notification in the *Gazette* of the making thereof.

2. Regulation 3 of the principal regulations (as enacted by Regulation 2 of the Accommodation Emergency Regulations 1941, Amendment No. 1) is hereby amended by adding to paragraph (f) the following words: " or the Government of New Zealand".

3. (1) The principal regulations are hereby amended by inserting, after Regulation 6A (as enacted by Regulation 4 of the Accommodation Emergency Regulations 1941, Amendment No. 1), the following new regulation:

" 6B. (1) Notwithstanding anything to the contrary in section 2 of the Rating Act, 1925, or in any other enactment, where possession of any premises has been taken or is held under these regulations or any other emergency regulations or under any agreement for a lease

\* Statutory Regulations 1941, Serial number 1941/244, page 792.

Amendment No. 1: Statutory Regulations 1942, Serial number 1942/182, page 432.

and those premises are on or at any time after the 1st day of April, 1944, actually occupied by or on behalf of any of His Majesty's Armed Forces, the premises shall while so occupied be deemed, for the purposes of the said section 2, to be actually occupied by or on behalf of the person who would be entitled to occupy the premises but for the occupation thereof by or on behalf of any of His Majesty's Armed Forces.

"(2) Notwithstanding anything to the contrary in section 2 of the Rating Act, 1925, or in any other enactment, in any other case where possession of any premises has been taken or is held under these regulations or any other emergency regulations and during the course of any term agreed upon or any minimum period fixed by the Minister under Regulation 6A hereof (not being a term or fixed period of less than six months) the premises are actually occupied on behalf of the Crown otherwise than for the purposes of any of His Majesty's Armed Forces, the Crown shall, for the purposes of the said section 2, be deemed to be in occupation of the premises by virtue of a tenancy for not less than six months certain."

(2) Subclause (4) of Regulation 6A of the principal regulations is hereby revoked.

4. The principal regulations are hereby further amended by inserting, after Regulation 8, the following new regulation :—

"8A. (1) Where the Minister is of opinion that it is in the public interest that any premises which have been requisitioned, acquired, or taken possession of for temporary use for any purpose under these regulations should be acquired absolutely by the Crown, the immediate purpose for which the premises are being used shall be deemed to be a public work within the meaning of the Public Works Act, 1928, and the premises may be taken in the manner prescribed in Part IX of that Act for taking land for defence purposes.

"(2) For the purpose of assessing compensation payable under the Public Works Act, 1928, due regard shall be had to all sums paid or payable in respect of the same premises under these regulations."

5. The principal regulations are hereby further amended by revoking Regulation 9 thereof, and substituting the following regulation :—

"9. (1) The Minister may from time to time, either generally or particularly, delegate to any person any of the powers conferred on him under these regulations, including the power of delegation conferred by this regulation.

"(2) Subject to any general or special directions given by the Minister or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

"(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

"(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office or appointment, or to the holders of offices or appointments of a specified class, whether any such offices or appointments are in the Government service or not.

“(5) The delegation by the Minister or by any other person of any of the powers conferred on him by or by virtue of these regulations shall not prevent the personal exercise of those powers by the Minister or by any such other person.”

6. (1) The First Schedule to the principal regulations (as enacted by Regulation 7 of the Accommodation Emergency Regulations 1941, Amendment No. 1) is hereby amended as follows:—

(a) By revoking clause 7 thereof, and substituting the following clause:—

“7. As between the Crown and the person entitled to the rental, rates payable in respect of premises which are actually occupied by or on behalf of any of His Majesty's Armed Forces shall be payable by that person, and rates payable in respect of premises which are actually occupied by the Crown otherwise than for the purposes of any of His Majesty's Armed Forces shall be payable by the Minister. For the purposes of any apportionment that may be necessary, rates shall be deemed to accrue from day to day.”:

(b) By revoking the proviso to clause 8 thereof.

(2) The Second Schedule to the principal regulations (as enacted by the said Regulation 7) is hereby amended by revoking the proviso to clause 4 thereof.

T. J. SHERRARD,  
Acting Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 18th day of November, 1943.  
These regulations are administered in the Public Works Department.