

Serial Number 1942/64



**THE BUILDING EMERGENCY REGULATIONS 1939,  
AMENDMENT NO. 2**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 12th day of  
March, 1942.

Present :

THE RIGHT HON. P. FRASER PRESIDING 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 Building Emergency Regulations 1939, Amendment No. 2, and shall be read together with and deemed part of the Building Emergency Regulations 1939\* (hereinafter referred to as the principal regulations).

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

"(aa) Any defence work :"

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

" 'Defence work' means any work (including any public work under the Public Works Act, 1928) that is required for defence purposes or for any purpose connected directly or indirectly with any war in which His Majesty may now or at any time hereafter be engaged ; and includes any work or service that is incidental to or required for the purposes of any such work :".

\* Statutory Regulations 1939, Serial number 1939/155, page 695.  
Amendment No. 1 : Statutory Regulations 1940, Serial number 1940/323, page 1116.

4. Regulation 1 of the principal regulations is hereby further amended by adding the following clause :—

“(4) If any question arises as to whether any work is a defence work it shall be determined by the Prime Minister or by some person authorized by him in that behalf, and his decision shall be final.”

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

“(4) Where the performance of any contract has been delayed or prevented (whether before or after the commencement of this clause) by reason of any restriction imposed under or by virtue of this regulation, the terms of the contract shall, on the application of any party thereto, be varied in such manner as may be just and equitable in the circumstances. If any dispute arises as to whether any, and, if so, what, variation should be made in any contract as aforesaid, the dispute shall be referred to arbitration under the Arbitration Act, 1908. Every submission to arbitration under this clause shall be to one arbitrator if the parties can agree upon one, and otherwise shall be to two arbitrators, one of whom shall be appointed by each party to the dispute. Any trustee, any local authority or public body, any incorporated Department of State, or any person acting on behalf of the Crown may agree to any variation under this clause.”

W. O. HARVEY,  
Acting Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 12th day of March, 1942.  
These regulations are administered in the Housing Construction Department.