

Serial Number 1947/128



**THE BUILDING EMERGENCY REGULATIONS 1939,
AMENDMENT NO. 6**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of
August, 1947

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 Building Emergency Regulations 1939, Amendment No. 6, 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 paragraph (a) of the definition of the term "constructional work" in clause (3), after the word "erection", the words "or any other work whatsoever (including maintenance or replacement work) requiring the use of materials or goods which are capable of being used in or for the purposes of the construction of any building or other erection".

3. Regulation 4A of the principal regulations, as enacted by the Building Emergency Regulations 1939, Amendment No. 1, is hereby amended by inserting, after clause (2), the following new clauses :—

"(2A) In any case where the consent of the Controller is required under clause (1) of this regulation, the Controller may consent to the issue by the local authority of its permit or consent in respect of any constructional work subject to conditions specified by the Controller in relation to building-materials which may or may not be used or in relation to any other matter affecting the constructional work. In any case to which this clause applies, the local authority, and the officer of the local authority who issues the permit or consent of the local authority, shall cause that permit or consent to be en faced with a statement that the permit or consent is issued subject to the conditions laid down by the Controller, and shall cause a copy of those conditions to be attached to the permit or consent.

* Statutory Regulations 1939, Serial number 1939/155, page 695.
 Amendment No. 1: Statutory Regulations 1940, Serial number 1940/323, page 1116.
 Amendment No. 2: Statutory Regulations 1942, Serial number 1942/64, page 138.
 Amendment No. 3: Statutory Regulations 1942, Serial number 1942/279, page 679.
 Amendment No. 4: Statutory Regulations 1943, Serial number 1943/89, page 131.
 Amendment No. 5: Statutory Regulations 1945, Serial number 1945/98, page 221.

“(2B) While any direction pursuant to clause (1) of this regulation is in force, the Controller may at any time, by notice to the owner or to a person in charge of the work,—

“(a) Impose any conditions in relation to a constructional work which he could impose under clause (2A) hereof in relation to such a work :

“(b) Vary or revoke any condition previously imposed by him in relation to a constructional work, whether under clause (2A) hereof or under this clause or otherwise howsoever, or impose any additional conditions.

“The Controller shall send a copy of any notice under this clause to the local authority.

“(2c) Nothing in clause (2A) or clause (2B) hereof shall be deemed to derogate from the powers of the Controller under any other provisions of these regulations.”

4. The principal regulations are hereby further amended by adding the following new headings and regulations :—

“REGULATION 6.—REMOVAL OF UNAUTHORIZED WORKS OR MATERIALS

“(1) In any case where any person carries out any constructional work or uses any building-materials in contravention of these regulations or of any notice, requirement, prohibition, or condition given or imposed under these regulations, the Controller may require the owner to demolish, pull down, alter, or remove the constructional work or materials.

“(2) If the owner fails or refuses to observe or comply with the requirements of the Controller, he commits an offence against the Supply Control Emergency Regulations 1939 and is liable accordingly.

“(3) At any time after the owner has been convicted of such offence the Controller may cause the constructional work or materials to be demolished, pulled down, altered, or removed.

“(4) All moneys expended by the Controller under this regulation shall be payable by the owner of the constructional work or materials and shall be recoverable accordingly as a debt due to the Crown in any Court of competent jurisdiction.

“(5) The Controller may sell any materials taken from any constructional work or removed under this regulation and shall apply the proceeds thereof towards the expenses incurred by him under this regulation, and shall pay the surplus (if any) to the owner.

“(6) The exercise by the Controller of the powers conferred by this regulation shall not relieve any person from any liability to any penalty for failure to comply with these regulations or with any notice, requirement, prohibition, or condition given or imposed under these regulations.

“REGULATION 7.—RIGHT OF ENTRY AND INSPECTION

“The Controller or any person authorized in writing by the Controller may, at any reasonable time, enter upon any premises on or in which he believes or suspects any building-materials to be kept or on or in which he believes or suspects that any constructional work is being, or has in the preceding six months been, carried on, and may inspect any building-materials or building or other erection on or in such premises.

“REGULATION 8.—STATUTORY DECLARATIONS

“(1) The Controller may from time to time require any person to make a statutory declaration as to any particulars or information supplied or being supplied to the Controller for the purposes of these regulations.

“(2) Any statutory declaration made for the purposes of these regulations shall be exempt from stamp duty.

“REGULATION 9.—OFFENCES

“Without prejudice to Regulation 10 of the Supply Control Emergency Regulations 1939*, every person commits an offence against the Supply Control Emergency Regulations 1939, and is liable accordingly who—

“(a) While any direction pursuant to clause (1) of Regulation 4A hereof is in force, proceeds with any constructional work in respect of which a permit or consent is required from a local authority without first obtaining the permit or consent; or

“(b) While any direction pursuant to clause (1) of Regulation 4A hereof is in force, having obtained a permit or consent from a local authority in respect of any constructional work, proceeds with the work otherwise than in accordance with the permit or consent and any conditions imposed in relation to the work by the Controller; or

“(c) While any direction pursuant to Regulation 4 hereof is in force, proceeds with any constructional work to which that direction applies without obtaining a permit from the Controller or, having obtained a permit, proceeds with the work otherwise than in accordance with the permit and any conditions imposed in relation to the work by the Controller.”

5. Clause (4) of Regulation 4A of the principal regulations, as enacted by the Building Emergency Regulations 1939, Amendment No. 4, and the said Building Emergency Regulations 1939, Amendment No. 4 are hereby revoked.

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

* Statutory Regulations 1939, Serial number 1939/131, page 602.

Amended: Statutory Regulations 1940, Serial number 1940/121, Regulation 7, page 432.
Statutory Regulations 1943, Serial number 1943/66, Regulation 8, page 141.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 4th day of September, 1947.

These regulations are administered in the office of the Building Controller in the Ministry of Works.