



THE BILLETING EMERGENCY REGULATIONS 1942

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

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of June, 1942.

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 Billeting Emergency Regulations 1942.

2. In these regulations, unless the context otherwise requires,—

“ Billeting notice ” means a billeting notice served under these regulations :

“ Commissioned officer ” means a commissioned officer of any of the Defence Forces within the meaning of the Defence Act, 1909, or of the Royal New Zealand Navy, or of the Royal New Zealand Air Force :

“ Minister ” means the Minister of Defence ; and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions under these regulations :

“ Occupier ”, in relation to any premises, means the person by whom or on whose behalf the premises are for the time being actually occupied :

“ Owner ”, in relation to any premises, means the person for the time being receiving the rack-rent of the premises, whether on his own account or as agent or trustee for any other person, or who would so receive the rack-rent of the premises if they were let at a rack-rent.

3. Any commissioned officer may serve upon the occupier of any premises a written notice (hereinafter referred to as a billeting notice) requiring the occupier of the premises to furnish therein, while the notice remains in force, such accommodation by way of lodging or food or both as may be specified in the notice for such number of members of any of His Majesty’s Naval, Military, or Air Forces or of any other forces for the time being lawfully present in New Zealand as may be specified in the notice.

4. (1) A billeting notice may require that any specified room or rooms in the premises referred to in the notice shall be devoted exclusively to the occupation of the total number of persons specified in the notice or of any less number of such persons.

(2) In any such case, and notwithstanding anything in any contract, no other person shall be entitled to occupy the specified room or rooms so long as the requirement is in force.

(3) If a billeting notice requires that any specified room or rooms in the premises referred to in the notice shall be devoted exclusively to the occupation of a less number than the total number of persons specified in the notice the liability of the occupier to comply with the notice with regard to the balance of that total number shall not be affected.

5. (1) A billeting notice relating to any premises may be served upon the occupier of the premises by delivering the notice to him.

(2) If it is not practicable to deliver any billeting notice to the occupier, it may be served by delivering it to any person on the premises.

6. A billeting notice may from time to time be amended by the officer who served it or by any other commissioned officer.

7. Without prejudice to the service of a further billeting notice relating to the same premises, a billeting notice may at any time be revoked by the officer who served it or by any other commissioned officer.

8. Where a billeting notice is revoked, or the whole of the accommodation required thereby ceases to be availed of, the occupier of the premises to which the billeting notice relates shall forthwith surrender it to the officer who served it or to any other commissioned officer, who shall cancel or amend it and return it to the occupier.

9. (1) The price payable in respect of any accommodation furnished in any premises in accordance with a billeting notice shall be such as may be agreed upon by the occupier of the premises and the officer serving the billeting notice or, in default of agreement, as may be fixed by arbitration under the Arbitration Act, 1908, but shall not exceed an amount calculated at the rate of 1s. 3d. for each day's lodging and 1s. 3d. for each meal furnished for each person, or at such other rates as may from time to time, either generally or in respect of any particular case or class of cases, be determined by the Minister with the concurrence of the Minister of Finance.

(2) The price so payable shall be paid to the occupier of the premises upon compliance by him with such directions as may be given by the Minister under subclause (3) of this regulation.

(3) The Minister may from time to time give such directions as he thinks fit prescribing the evidence to be furnished and the procedure to be adopted for the purpose of obtaining payment as aforesaid.

10. The occupier of any premises shall if requested so to do by any commissioned officer, furnish to such authority or person as may be specified in the request such information with respect to the accommodation contained in the premises and with respect to the persons living therein as may be so specified.

11. Where any owner or occupier of any premises suffers any loss or damage by the exercise in respect of those premises of any of the powers conferred by these regulations he shall be entitled to receive such compensation as may be agreed upon by that person and the Minister or, in default of agreement, as may be fixed by arbitration under the Arbitration Act, 1908.

12. Every submission to arbitration under these regulations shall be to one arbitrator if the parties can agree upon one, and otherwise shall be to two arbitrators, of whom one shall be appointed by the Minister and the other shall be appointed by the other party to the arbitration.

13. (1) The Minister may from time to time, either generally or particularly, delegate to any person any of the powers conferred on him by 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 or not any such offices or appointments are in the Government service or in any of His Majesty's Forces.

(5) The delegation by the Minister or by any other person of any 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 such other person.

14. (1) Every person commits an offence against these regulations who—

(a) Without lawful excuse, acts in contravention of or fails to comply in any respect with any of the requirements of a billeting notice or any provision of these regulations :

(b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations :

(c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

15. Every person who commits an offence against these regulations shall be liable on summary conviction—

(a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50, and (if the offence is a continuing one) to a further fine not exceeding £5 for every day during which the offence continues :

(b) In the case of a body corporate, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

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