

Serial Number 1940/93.



**THE CENSORSHIP AND PUBLICITY EMERGENCY
REGULATIONS 1939, AMENDMENT NO. 2.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th day of May, 1940.

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 Censorship and Publicity Emergency Regulations 1939, Amendment No. 2.

(2) These regulations shall be read together with and deemed part of the Censorship and Publicity Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) In these regulations, unless the context otherwise requires,—

“ Periodical ” means any paper, pamphlet, or other publication published periodically :

“ Printing-press ” includes every machine or device used or capable of being used for the purpose of multiplying copies of any writing or graphic representation :

“ Subversive statement ” has the same meaning as in the Public Safety Emergency Regulations 1940.†

(4) For the purposes of these regulations, any document printed or published for sale or distribution, along with any copies of any periodical or of any issue thereof, shall be deemed to be part of that periodical.

2. (1) If the Attorney-General is satisfied that any printing-press has been used for printing any subversive statement and has reason to suspect that it is likely to be used for printing further subversive statements, he may order the seizure of the printing-press.

* Statutory Regulations 1939, Serial number 1939/121, page 502.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/215, page 872.

† Statutory Regulations 1940, Serial number 1940/26.

(2) Where an order is made under this regulation for the seizure of any printing-press, any constable, with such assistance as may be required, may at any time enter any premises to search for the printing-press, and may seize, take, and carry away or render inoperative the printing-press and all the types and other articles belonging thereto.

3. (1) If the Attorney-General is satisfied that any subversive statement has been published in any periodical and has reason to suspect that further subversive statements are likely to be published therein, he may order that the periodical cease publication, and may give or cause to be given notice of the order to the proprietor, editor, printer, or publisher of the periodical.

(2) No person to whom is given or deemed to be given a notice of an order under this regulation in respect of any periodical shall print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, any copy of the periodical or of any issue thereof.

(3) A notice given under this regulation to the proprietor, editor, printer, or publisher of a periodical shall be deemed to be given to all of them.

(4) Any notice under this regulation shall be sufficient if addressed to the proprietor, editor, printer, or publisher of a periodical by description of his position and the name or a commonly accepted name of the periodical of which he is proprietor, editor, printer, or publisher without the addition of his personal name.

(5) Any notice under this regulation shall be sufficiently given if left at the premises where the periodical is usually printed or published with some person appearing for the time being to have the management thereof.

(6) For the purposes of this regulation a periodical shall be deemed to preserve the same identity through the succeeding issues thereof so long as it continues to have the same proprietor or the same editor or the same printer or the same publisher, notwithstanding changes in any of the other persons concerned in these capacities, and notwithstanding any change in title, price, format, name, intervals of publication, or place of publication, and accordingly any order or notice under this regulation shall continue to have effect notwithstanding any such change as aforesaid.

4. (1) If the Attorney-General is satisfied that any person has published or been concerned in the publication of any subversive statements in any periodical and has reason to suspect that that person is likely to publish or be concerned in the publication of further subversive statements in a periodical or periodicals, he may order that during such period as may be specified in the order that person shall not publish or be concerned in publishing any periodical in New Zealand.

(2) Every person who acts in contravention of any order made under this regulation commits an offence against the principal regulations.

5. Any order made by the Attorney-General under these regulations may be at any time in like manner varied or revoked.

6. (1) Any person who is affected by any order made by the Attorney-General under these regulations may appeal against the order to a Judge of the Supreme Court, whose decision shall be final.

(2) Every appeal under this regulation shall be made by notice of appeal filed in the Supreme Court. A copy of the notice of appeal shall be served on the Attorney-General and upon such other persons as the Judge may direct.

(3) Upon any appeal under this section the Judge may confirm, modify, or revoke the order appealed from, but no order shall be revoked unless the Judge is satisfied that the acts which the order was intended to prevent are not likely to be committed.

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

Issued under the authority of the Regulations Act, 1936.
Date of publication in *Gazette* : 29th day of May, 1940.
For the administration of these regulations, see principal regulations, Serial number 1939/121.