

1978/231



## THE CIVIL DEFENCE EMERGENCY REGULATIONS 1978

KEITH HOLYOAKE, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 14th day of August 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 55 (1) of the Civil Defence Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### ANALYSIS

1. Title
2. Application
3. Interpretation

#### *Requisitioning of Property*

4. Requisitioning of property
5. Requisition to take priority

6. Property may be substituted for requisitioned property
7. Requisitioned property may be returned or replaced

#### *Emergency Powers*

8. Evacuation of places and buildings
9. Closing of roads and streets  
Schedule

### REGULATIONS

**1. Title**—These regulations may be cited as the Civil Defence Emergency Regulations 1978.

**2. Application**—These regulations shall have effect only during the continuation of a state of national emergency or of civil defence emergency declared in accordance with the Act.

**3. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Civil Defence Act 1962:

“Owner”, in relation to any requisitioned property, means the owner or the person in control of the property at the time when it was requisitioned:

“Requisitioned property” means any land, building, vehicle, horse, boat, apparatus, implement, earth-moving equipment, construction materials or equipment, furniture, bedding, food, medicines and medical supplies, and any other equipment, materials, and supplies requisitioned by any person in accordance with section 48 (1) of the Act:

Expressions defined in the Act have the meanings so defined.

#### *Requisitioning of Property*

**4. Requisitioning of property**—(1) Every requisition of property pursuant to section 48 (1) of the Act shall be made by the person authorised by that provision in the appropriate form in the Schedule to these regulations.

(2) Every person who purports to requisition any property otherwise than in accordance with the authority conferred on him by section 48 of the Act commits an offence.

(3) Every person who commits an offence against subclause (2) of this regulation is liable on summary conviction,—

- (a) In the case of an offence committed wilfully by an individual, imprisonment for a term of 3 months or a fine of \$200;
- (b) In the case of any other offence committed by an individual, a fine of \$100;
- (c) In the case of an offence committed by a corporation, a fine of \$400.

**5. Requisition to take priority**—Where any person requisitions any property in accordance with section 48 (1) of the Act, that person's right to the control and direction of the property shall take priority over any other estate, interest, right, or claim in that property held or made by or on behalf of any other person, but without prejudice to any person's right to claim compensation in respect of that estate, interest, right, or claim under the Act.

**6. Property may be substituted for requisitioned property**—(1) Where any property is lawfully requisitioned under section 48 of the Act and it is found to be damaged or otherwise deficient in any respect, the requisitioning officer may notify the owner that he requires from the owner any other property of the same kind (in this regulation referred to as the substituted property) in substitution for the damaged or defective property (in this regulation referred to as the original property).

(2) In any such case, the substituted property shall be deemed to comprise the requisitioned property, and the original property shall be returned to the owner.

**7. Requisitioned property may be returned or replaced**—(1) Where any property is requisitioned in accordance with section 48 (1) of the Act and it is found to be surplus to the needs of the person who requisitioned it, or is no longer needed by him, he may return the property to the owner at any time before the expiration of 1 month after a claim for compensation in respect of the property is made in accordance with subsection (3) or (as the case may require) subsection (4) of section 48 of the Act.

(2) Where, for any reason, any requisitioned property cannot be returned to the owner before the expiration of the period referred to in subclause (1) of this regulation, the person who requisitioned it may give to the owner, in substitution thereof, property of the same kind.

(3) Where any property is returned or given to any owner under either of the foregoing provisions of this regulation, the value of that property may be deducted by the Minister or, as the case may require, the local authority from the amount of compensation that would otherwise have been paid to the owner under section 48 of the Act.

#### *Emergency Powers*

**8. Evacuation of places and buildings**—Where any person directs any person to leave any area or building or place, or to refrain from entering any area or building or place, pursuant to section 49 (1) of the Act, it shall not be necessary for him to inform that other person of the circumstances on which the direction is based so long as he makes it clear that the direction is given under the Act.

**9. Closing of roads and streets**—Where any person exercises any power conferred on him by or under section 50 of the Act to close any road, street, private street, motorway, private way, right of way, service lane, access way, or other highway or any public place, he may take all such reasonable steps as he deems expedient in the circumstances to give public notice of the closure.

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## SCHEDULE

Reg. 4 (1)

## FORMS OF REQUISITION

## Form 1

REQUISITION OF PROPERTY BY REGIONAL COMMISSIONER OR  
POLICE OFFICER DURING NATIONAL EMERGENCY OR CIVIL  
DEFENCE EMERGENCY*Section 48, Civil Defence Act 1962*

To: *[Name and address of owner or person for the time being in control of the property].*

## TAKE NOTICE:

1. That a state of national emergency (or of civil defence emergency) has been declared and is in force under the Civil Defence Act 1962 in *[State the area in respect of which the declaration is in force].*

2. That, I, *[Full name of requisitioning officer]*, being the Regional Commissioner for the ..... Civil Defence Region (or a member of the Police), believing that the action proposed is immediately and urgently necessary for the preservation of human life, hereby requires you forthwith to place the following property under my control and direction:

*[Here describe the property to be requisitioned]*

YOU ARE WARNED that it is an offence to fail to comply with this requisition.

YOU ARE ADVISED that you are entitled to apply to the Minister of Civil Defence for compensation for—

- (a) The use of the property hereby requisitioned:
- (b) Any loss of or damage or injury to that property suffered or incurred while under the control of the Civil Defence authorities.

Dated at ..... this ..... day of ..... 1978.

Signed: .....  
*[Designation]*

SCHEDULE—*continued*

## Form 2

**REQUISITION OF PROPERTY BY PERSON AUTHORISED BY REGIONAL COMMISSIONER OR POLICE OFFICER DURING NATIONAL EMERGENCY OR CIVIL DEFENCE EMERGENCY***Section 48, Civil Defence Act 1962*

To: [*Name and address of owner or person for the time being in control of the property*].

## TAKE NOTICE:

1. That a state of national emergency (*or of civil defence emergency*) has been declared and is in force under the Civil Defence Act 1962 in [*State the area in respect of which the declaration is in force*].

2. That [*Full name*], being the Regional Commissioner for the ..... Civil Defence Region (*or a member of the Police*), believing that the action proposed is immediately and urgently necessary for the preservation of human life, has authorised me, [*Full name*], to make this requisition.

3. I hereby require you forthwith to place the following property under my control and direction:

[*Here describe the property to be requisitioned*]

YOU ARE WARNED that it is an offence to fail to comply with this requisition.

YOU ARE ADVISED that you are entitled to apply to the Minister of Civil Defence for compensation for—

- (a) The use of the property hereby requisitioned:
- (b) Any loss of or damage or injury to that property suffered or incurred while under the control of the Civil Defence authorities.

Dated at ..... this ..... day of ..... 1978.

Signed: .....

SCHEDULE—*continued*

## Form 3

REQUISITION OF PROPERTY BY CONTROLLER DURING LOCAL  
CIVIL DEFENCE EMERGENCY*Section 48, Civil Defence Act 1962*

To: [*Name and address of owner or person for the time being in control of the property*].

## TAKE NOTICE:

1. That a state of local civil defence emergency has been declared and is in force under the Civil Defence Act 1962 in [*State the area in respect of which the declaration is in force*].

2. That, I, [*Full name of requisitioning officer*], being the Controller for the ..... Civil Defence Organisation, believing that the action proposed is immediately and urgently necessary for the preservation of human life, hereby require you forthwith to place the following property under my control and direction:

[*Here describe the property to be requisitioned*]

YOU ARE WARNED that it is an offence to fail to comply with this requisition.

YOU ARE ADVISED that you are entitled to apply to the [*Name of local authority or uniting local authorities*] for compensation for—

- (a) The use of the property hereby requisitioned:
- (b) Any loss of or damage or injury to that property suffered or incurred while under the control of the Civil Defence authorities.

Dated at ..... this ..... day of ..... 1978.

Signed: .....  
[*Controller*]

## SCHEDULE—continued

## Form 4

REQUISITION OF PROPERTY BY PERSON AUTHORISED BY  
CONTROLLER DURING LOCAL CIVIL DEFENCE EMERGENCY*Section 48, Civil Defence Act 1962*To: [*Name and address of owner or person for the time being in control of the property*].

## TAKE NOTICE:

1. That a state of local civil defence emergency has been declared and is in force under the Civil Defence Act 1962 in [*State the area in respect of which the declaration is in force*].

2. That [*Full name*], being the Controller for the ..... Civil Defence Organisation, believing that the action proposed is immediately and urgently necessary for the preservation of human life, has authorised me, [*Full name*], to make this requisition.

3. I hereby require you forthwith to place the following property under my control and direction:

[*Here describe the property to be requisitioned*]

YOU ARE WARNED that it is an offence to fail to comply with this requisition.

YOU ARE ADVISED that you are entitled to apply to the [*Name of local authority or uniting local authorities*] for compensation for—

- (a) The use of the property hereby requisitioned;
- (b) Any loss of or damage or injury to that property suffered or incurred while under the control of the Civil Defence authorities.

Dated at ..... this ..... day of ..... 1978.

Signed: .....

P. G. MILLEN,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations are made pursuant to section 55 (1) of the Civil Defence Act 1962. They have effect only during the continuation of a state of national emergency or of civil defence emergency.

Regulation 1 relates to the Title.

Regulation 2 relates to the application of the regulations.

Regulation 3 is an interpretative provision.

Regulation 4 requires requisitions of property to be made in the appropriate form set out in the Schedule.

Regulation 5 makes it clear that a requisition takes priority over any other claim to the property.

Regulation 6 empowers the requisitioning authority to demand replacement of any requisitioned property that is found to be defective.

Regulation 7 makes it clear that the requisitioning authority may return or replace any requisitioned property, and this may be taken into account in assessing compensation.

Regulation 8 provides that where any person directs any other person to leave any area, building, or place during an emergency, it shall not be necessary to inform that person of the reasons for the direction so long as it is clear that the direction is made under the Act.

Regulation 9 provides for public notice to be given where roads and other thoroughfares are closed during an emergency.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 August 1978.

These regulations are administered in the Department of Internal Affairs