

Serial Number 1939/242.



THE DEFENCE CANTEEN EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 15th day of
November, 1939.

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. PRELIMINARY.

1 : 1. These regulations may be cited as the Defence Canteen Emergency Regulations 1939.

1 : 2. In these regulations, unless inconsistent with the context,—

“ Board ” means the Canteen Board established by these regulations, and includes a Committee of the Board :

“ Fund ” means the Canteen Fund referred to in these regulations :

“ Minister ” means the Minister of Defence :

“ Military camp ” means any place where members of the military Forces, including Naval, Military, or Air Forces, are from time to time stationed or assembled under Naval, Military, or Air Force control :

“ Camp theatres ” includes cinematograph theatres and other theatres and places of social entertainment.

1 : 3. These regulations shall take effect, notwithstanding anything contained in sections 59 and 93 of the Defence Act, 1909, or any other provision of that Act, or any provision of the Licensing Act, 1908, or any other enactment.

2. CANTEEN BOARD.

2 : 1. There is hereby established a Board, to be called “ the Canteen Board.”

2 : 2. The Board shall consist of the Minister of Defence, who shall be the Chairman of the Board, and of such other members as the Governor-General from time to time appoints to be members thereof, either by name or as the holder for the time being of any office.

2 : 3. Every member appointed by the Governor-General shall hold office during his pleasure.

2 : 4. The members of the Board, other than persons in the service of the Government, shall be paid such sums as the Minister may approve for locomotion, board, and lodging expenses reasonably incurred by them in respect of their attendance at meetings of the Board or their travelling by direction of the Board on the business of the Board.

2 : 5. The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

2 : 6. The provisions of sections 40 to 43 (inclusive) of the Companies Act, 1933, shall apply to the Board as if the Board were a company within the meaning of those sections :

Provided that no oral contract shall be made involving the payment by the Board of a sum exceeding £50.

2 : 7. Notwithstanding anything in the last preceding clause hereof, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this regulation if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

2 : 8. The Board shall from time to time notify in the *Gazette* an address at which documents may be served, and any document may be served on the Board by leaving it at the notified office or sending it through the post in a registered letter addressed to the Board at that office.

2 : 9. There may from time to time be appointed as officers of the Public Service a Secretary of the Board and such other officers as may be deemed necessary for the purpose of carrying out the administrative functions of the Board.

2 : 10. The Board may from time to time delegate to a committee of its members any of the powers or duties conferred or imposed on the Board by these regulations.

3. POWERS OF THE BOARD.

3 : 1. The Board shall have power to set up and conduct in such military camps as the Minister may from time to time approve establishments of the following kinds, namely :—

- (i) Canteens :
- (ii) Camp theatres :
- (iii) Hairdressing-saloons :
- (iv) Shops and other premises for the sale of goods and provision of services of kinds calculated to meet current requirements of members of the military Forces.

3 : 2. The Board shall have power to do all things necessary or incidental to the setting-up and conduct of any such establishment as aforesaid.

3 : 3. In particular and without limiting the powers conferred by the last preceding clause, the Board shall have power to buy, sell, and deal in goods of all kinds, and may acquire by purchase or on bailment or otherwise all such furniture, fittings, machinery, and implements as may be necessary or desirable for the more effectual conduct of any such establishment as aforesaid.

3 : 4. The Board may from time to time contract for the services of and engage, employ, and dismiss such persons as may be required to assist in conducting any establishment which the Board is authorized to conduct under these regulations.

3 : 5. The establishments of the Board and the person in charge of any such establishment, and all persons employed in connection therewith, at any military camp shall nevertheless be under the disciplinary control and direction of the officer in command of the camp, who shall also determine the hours of business.

3 : 6. The business of the Board at any such establishment as aforesaid shall be carried on with members of the military Forces and other persons employed in or visiting the camp and not with the general public.

4. FINANCIAL PROVISIONS.

4 : 1. The money and funds in the hands of the Board shall be known as "the Canteen Fund."

4 : 2. All moneys belonging to the Fund shall be paid into an account at the Reserve Bank of New Zealand to be called "the Canteen Fund Account."

4 : 3. No moneys shall be paid out of the Canteen Fund Account except pursuant to a resolution of the Board or of a Committee of the Board empowered in that behalf.

4 : 4. The Canteen Fund Account shall be operated on only by cheque signed by a member of the Board and such officer or officers of the Board as the Board may from time to time appoint for that purpose.

4 : 5. The Board may from time to time keep at the Reserve Bank of New Zealand, or at any other bank in New Zealand or elsewhere as determined by the Minister of Finance, such imprest or other subsidiary accounts as may be necessary or convenient for the exercise of the powers of the Board under these regulations, and may authorize such accounts to be operated on by such persons as the Board from time to time appoints for that purpose.

4 : 6. The Minister of Finance may direct advances to be made from time to time to the Fund out of the War Expenses Account established by the War Expenses Act, 1939, on such terms and conditions as he may direct.

4 : 7. The Board shall keep proper accounts of its moneys and property, and its accounts and stores shall be subject to audit in the same manner in all respects as if the moneys and stores of the Board were public moneys and public stores within the meaning of the Public Revenues Act, 1926. The audit fees shall be such as the Minister from time to time approves.

4 : 8. As soon as may be after the end of every financial year the Board shall prepare a statement showing its assets and liabilities at the close of that year and its profit and loss for that year. Such statement when duly audited by the Audit Office, together with a report by the Board on its proceedings and operations during the year, shall be delivered to the Minister, and a copy thereof shall be laid before Parliament by the Minister.

4 : 9. After such provision has been made as the Board thinks proper for liabilities, whether accrued or contingent, for reserves, and for future activities of the Board, the profits arising from the operations of the Board shall be disposed of in such manner as the Board, with the approval of the Minister, thinks fit, by way of grant to regimental funds or in any other manner for the benefit of members past and present of the military Forces serving or enrolled for service during the present war (including the Naval, Army, and Air Forces of the Crown), and their dependants.

4 : 10. At any time during the financial year if the Board is of opinion that there will for that year be a surplus of profits available for disposal after making the provision referred to in the last preceding clause hereof, the Board, with the approval of the Minister, may make in anticipation of such surplus any such disposal of funds as is authorized by the last preceding clause hereof.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of November, 1939.

These regulations are administered in the Internal Marketing Division of the Marketing Department.