

Serial Number 1939/123.



THE DEFENCE EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of September, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, there being a Proclamation of Emergency now in force under that Act, 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 Defence Emergency Regulations 1939.

(2) In these regulations, unless the context otherwise requires, expressions defined in the Defence Act, 1909, shall have the meanings so defined.

2. (1) The National Military Reserve is hereby recognized as the National Reserve for the purposes of section three of the Defence Amendment Act, 1915.

(2) The National Military Reserve shall be deemed to be part of the defence forces within the meaning of the Defence Act, 1909, and these regulations.

(3) All regulations made under the Defence Act, 1909, shall, so far as they are applicable, and with the necessary modifications, apply with respect to the National Military Reserve as if it were part of the Territorial Force.

3. (1) The Governor-General may, by Proclamation, call out the Defence Forces, or any part thereof, for military service for purposes of defence in New Zealand.

(2) The Defence Forces, or any part thereof, shall be liable to be employed on military service accordingly from the time of the publication of the Proclamation so calling out those Forces, or that part thereof, until the publication of a Proclamation notifying that the military service of those Forces, or of that part thereof is no longer required.

4. It shall be lawful for the Governor-General at any time to accept the offer of any members of the Defence Forces to be called out for military service for purposes of defence at such places in New Zealand as may be specified in their agreement, whether or not a Proclamation is issued calling out the Defence Forces or any part thereof, and upon any such offer being accepted they shall be liable whenever required during the period to which the offer extends to be called out and employed on military service accordingly.

5. When the Defence Forces or any part thereof or any members thereof have been called out for military service in New Zealand in accordance with the provisions of these regulations, every member of those Forces or of that part thereof or every member so called out shall at all times, while he remains under the obligation of military service, be subject to military law as established by the Army Act, except so far as that Act is inconsistent with the Defence Act, 1909, or with any regulations made thereunder, or with these regulations.

6. (1) The Minister of Defence or any person authorized by him in that behalf may, notwithstanding anything to the contrary in any Act, do any act on or in connection with any land that he considers necessary or expedient for defence purposes, and in particular, without limiting the general power hereby conferred, may do all or any of the following things:—

- (a) Enter on, pass over, and encamp on the land:
- (b) Construct military works and other works on the land:
- (c) Pull down or erect or alter any building, fence, barricade, obstruction, or erection on the land:
- (d) Divert or stop any watercourse:
- (e) Close any road or street on the land either wholly or partly, or prohibit, restrict, or prevent traffic or any class of traffic on any such road or street.

(2) As soon as it is in his opinion practicable the Minister shall, so far as possible, restore the land to its former condition.

(3) Except as hereinafter provided compensation shall be paid out of moneys to be appropriated by Parliament for the purpose to every person having any estate or interest in any land in respect of any loss or injury suffered by that person by reason of the use of the land for defence purposes. The provisions of subsection two to seven of section four of the Military Manœuvres Act, 1915, shall, with the necessary modifications, apply with respect to claims for compensation under this clause.

(4) No compensation shall be payable under the last preceding clause to any person in respect of the closing of any road or street or the prohibition, restriction, or prevention of traffic on a road or street if reasonable and sufficient alternative access is available or is provided.

(5) Every person commits an offence against these regulations who—

- (a) Wilfully and without lawful authority obstructs or interferes with the exercise of any power under this regulation:
- (b) Erects or displays any notice or mark on or relating to any land dealt with under this regulation representing or implying that the use of the land is not available for defence purposes:
- (c) Contrary to any notice, direction, or order given for the purposes of this regulation, uses or attempts to use any road or street for purposes of traffic:
- (d) Without lawful authority removes or otherwise interferes with any notice, sign, or mark erected or posted for the purposes of this regulation:
- (e) In any other way unlawfully interferes with the authorized use of any land under this regulation.

(6) Every person who, without lawful authority, obstructs, or interferes with the exercise of any power under this regulation, or who uses or attempts to use any road or street for purposes of traffic contrary to any notice, direction, or order given for the purposes of this regulation, may be arrested, without any warrant or other authority, by any officer or non-commissioned officer of the Defence Forces or by any constable and taken, as soon as conveniently may be, before a Magistrate, to be dealt with according to law.

(7) Any land dealt with under this regulation shall be deemed to be land reserved for or forming part of defences for the purposes of section 61, Defence Act, 1909.

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

Issued under the authority of the Regulations Act, 1936.
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These regulations are administered by the Army Department.