

Serial Number 1940/285.



**THE DEFENCE EMERGENCY REGULATIONS 1939,  
AMENDMENT NO. 1.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 31st day of October, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING 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 Defence Emergency Regulations 1939, Amendment No. 1.

2. These regulations shall be read together with and deemed part of the Defence Emergency Regulations 1939.\*

3. For the purposes of the principal regulations, unless the context otherwise requires,—

“ Authorized officer ” means an officer of any of His Majesty’s Naval, Military, or Air Forces appointed by the Minister to be an authorized officer for the purposes of the principal regulations :

“ Guard ” means a guard stationed under these regulations :

“ Guarded place ” means a place at which a guard or patrol is for the time being stationed :

“ Occupier ”, in relation to any place, means the person by whom or on whose behalf the place is actually occupied ; and includes the owner of the place ; and also includes any person acting or apparently acting in the general management or control of the place :

“ Patrol ” means a patrol stationed under these regulations :

“ Place ” means any area of land or water, or any building or other premises, and includes any kind of vessel used in navigation, and any aircraft :

“ Prohibited place ” means a place in respect of which an order under Regulation 4 hereof is for the time being in force.

\* Statutory Regulations 1939, Serial number 1939/123, page 577.

4. (1) If in respect of any place it appears to the Minister to be necessary or expedient for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may, by order published in the *Gazette*, declare that place to be a prohibited place for the purposes of the principal regulations.

(2) Any order made under this regulation may be at any time in like manner amended or revoked.

(3) No person shall be in any prohibited place without the permission of an authorized officer or of a person authorized in that behalf by an authorized officer.

(4) In any proceedings for an offence against this regulation the burden of proving that any person had permission to be in any prohibited place shall be on the defendant.

5. Any constable or authorized officer, and any other person authorized in that behalf by an authorized officer,—

(a) May direct any person not to enter or remain in any prohibited place or loiter in the vicinity of any prohibited place :

(b) May give such directions as he thinks fit to any person who enters or remains in or is about to enter any prohibited place for regulating his conduct while in the prohibited place, whether in relation to anything that he has with him or otherwise :

(c) May search any person approaching, entering, remaining in, or leaving, or attempting to approach, enter, or leave, any prohibited place, and may detain any such person for the purpose of searching him :

(d) May arrest without warrant any person who commits, or is reasonably suspected of having committed or of being about to commit an offence against these regulations.

6. (1) Any authorized officer may, if it appears to him to be necessary or expedient for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, station and maintain a guard or patrol at any place, whether or not it is a prohibited place.

(2) Every guard or patrol stationed at any place and consisting of members of any of His Majesty's Forces shall, in the absence of proof to the contrary, be deemed to be a guard or patrol there stationed under these regulations.

7. Subject to the instructions of any authorized officer, any guard or patrol—

(a) May be armed, and may fire upon or otherwise attack any person who, by day or night, in disregard of a warning received from the guard or patrol, approaches, enters, or leaves, or attempts to approach, enter, or leave, the guarded place :

(b) May direct any person not to enter or remain in the guarded place or loiter in the vicinity of any entrance to the guarded place :

- (c) May give such directions as the guard or patrol thinks fit to any person who is permitted to approach, enter, or leave the guarded place for regulating his conduct while acting under such permission, whether in relation to anything that he has with him or otherwise :
- (d) May search any person approaching, entering, or leaving, or attempting to approach, enter, or leave, the guarded place, and may detain any such person for the purpose of searching him :
- (e) May arrest without warrant any person who commits or is reasonably suspected of having committed or of being about to commit an offence against these regulations.

8. (1) Any authorized officer, if it appears to him to be necessary or expedient for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, may, by notice in writing, require the occupier of any prohibited place or guarded place to provide in respect of that place such lighting, fencing, and other aids to security as may be specified in the notice.

(2) Any notice under this regulation shall contain such instructions as the authorized officer thinks fit as to the exhibition on the prohibited place or guarded place by the occupier of notices restricting, regulating, or prohibiting entry to that place by any persons or classes of persons.

(3) Any notice given under this regulation may be at any time amended, added to, or revoked by any authorized officer by a subsequent notice in writing.

(4) Any notice given under this regulation to any occupier of any place shall be binding on every other occupier of that place and on every person who subsequently becomes an occupier thereof.

9. Every person commits an offence against these regulations who—

- (a) By any act or default, whether wilful or negligent, endangers the safety of any prohibited place or guarded place or of anything in a prohibited place or guarded place :
- (b) In disregard of any challenge, warning, or order received from the guard or patrol, approaches, enters, or leaves any guarded place :
- (c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
- (d) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, restriction, requirement, notice, or condition given, exhibited, or imposed under these regulations.

10. These regulations shall bind the Crown.

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