



**THE DEFENCE EMERGENCY REGULATIONS 1941,
AMENDMENT NO. 7**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 22nd day of
December, 1943

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. These regulations may be cited as the Defence Emergency Regulations 1941, Amendment No. 7, and shall be read together with and deemed part of the Defence Emergency Regulations 1941* (hereinafter referred to as the principal regulations).

2. Regulation 8 of the principal regulations is hereby amended by adding the following clause :—

“(8) For the purposes of these regulations—

“(a) Section 44 of the Army Act shall be read and construed as if the following paragraphs were inserted after paragraph (e) thereof :—

“ ‘ (ee) Reduction to the ranks ;

“ ‘ (eee) Reduction to a lower commissioned rank ; ’—

and as if the following paragraph were inserted after paragraph (f) thereof :—

“ ‘ (ff) A fine not exceeding £50 ; ’—

and as if the words ‘ (as prescribed by section 19 of this Act for drunkenness or not exceeding £10 in the case of other offences) ’ were inserted after the word ‘ fines ’ in paragraph (n) thereof :

* Statutory Regulations 1941, Serial number 1941/130, page 419.

Amendment No. 1 : Statutory Regulations 1941, Serial number 1941/152, page 492.
Amendment No. 2 : Statutory Regulations 1941, Serial number 1941/215, page 652.
Amendment No. 3 : Statutory Regulations 1942, Serial number 1942/123, page 277.
Amendment No. 4 : Statutory Regulations 1942, Serial number 1942/295, page 709.
Amendment No. 5 : Statutory Regulations 1943, Serial number 1943/51, page 98.
Amendment No. 6 : Statutory Regulations 1943, Serial number 1943/52, page 102.

“(b) Section 47 (2) of the Army Act shall be read and construed as if the following paragraph were inserted after the first paragraph (a) thereof:—

“(aa) A fine not exceeding £10;”—

and as if the following paragraph were inserted after the second paragraph (a) thereof:—

“(aa) A fine not exceeding £5;”:

“(c) The operation of sections 21 and 23 of the Defence Amendment Act, 1912,* shall be deemed to be suspended:

“(d) The Adjutant-General shall be deemed to be a superior military authority within the meaning of section 57A of the Army Act:

“(e) Rule 53A of the Rules of Procedure issued under the authority of the Army Act shall be read and construed as if the references therein to an authority mentioned in section 70 (1) (ee) of the Army Act were references to the Adjutant-General or any other officer of the Defence Forces to whom the Adjutant-General may have delegated his powers in that behalf.”

3. Part III of the principal regulations is hereby amended by adding, after Regulation 18, the following regulation:—

“18A. (1) The powers conferred on the Minister or any other person by Regulation 18 hereof shall be deemed to include and to have always included power to construct, erect, or place on any land (whether a road or street or not) any military works whatsoever, including fixed or movable impediments, open or concealed trenches, demolition charges, and wires or cables.

“(2) Except as otherwise expressly provided in any Act or regulations, no action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any local authority or public body, or any contractor, officer, or person for or in respect of any damage, loss, or injury sustained or alleged to have been sustained (whether before or after the commencement of this regulation) by reason of the construction, erection, or placing, by or on behalf of the Crown, of any military works as aforesaid on any land as aforesaid.”

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

* See Reprint of Statutes, Vol. II., pages 623 and 624.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 23rd day of December, 1943.
These regulations are administered in the Army Department.