

Serial Number 1940/1.



**THE EXPEDITIONARY FORCE EMERGENCY  
REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of  
January, 1940.

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 Expeditionary Force Emergency Regulations 1940.
2. The Special Force Emergency Regulations 1939\* are hereby revoked.
3. In these regulations, unless the context otherwise requires,—
  - “ Army Act ” means the Imperial Act called the Army Act, and includes any Act continuing or amending it, and the Rules of Procedure for the time being in force made under the authority thereof respectively :
  - “ Expeditionary Force ” means the Second New Zealand Expeditionary Force constituted under these regulations :
  - “ General Officer Commanding ” means the General Officer for the time being commanding the Expeditionary Force out of New Zealand, or any person for the time being acting with the consent of the Minister, as or in the place of the General Officer Commanding :
  - “ Minister ” means the Minister of Defence.
4. There shall be a section of the Defence Forces of New Zealand established under the Defence Act, 1909, to be known as the Second New Zealand Expeditionary Force, the members of which shall be enlisted for service within New Zealand and out of New Zealand for the duration of the present war and twelve months thereafter.

\* Statutory Regulations 1939, Serial number 1939/177.

5. From the commencement of these regulations the section of the Defence Forces of New Zealand constituted under the Special Force Emergency Regulations 1939 as the Special Force shall cease to be known as such and shall be deemed to be part of the Expeditionary Force, and the members of the Special Force shall cease to be members of that Force and shall be deemed to be members of the Expeditionary Force.

6. The Governor-General may at any time hereafter accept the offer of any person to become a member of the Expeditionary Force.

7. The Governor-General may from time to time appoint a General Officer to Command the Expeditionary Force out of New Zealand. The General Officer Commanding shall have full power, subject only to the control and direction of the Governor-General, to command, organize, and administer the Expeditionary Force accordingly.

8. (i) The General Officer Commanding may out of New Zealand appoint warrant officers, non-commissioned officers, and men of the Expeditionary Force to commissioned rank and may promote officers in rank. (All such appointments to be confirmed by the Governor-General and published in the *New Zealand Gazette*.)

(ii) The General Officer Commanding out of New Zealand may remove officers to a supernumerary list and may second officers, warrant officers, and non-commissioned officers, and may return to New Zealand through any organization created for administrative purposes such members of the Expeditionary Force as may be unfit for duty by reason of wounds, sickness, or any other cause.

9. (i) Warrant officers and non-commissioned officers of the Expeditionary Force may in New Zealand be appointed, promoted, reduced, or discharged by the Adjutant-General of the New Zealand Defence Forces or by an officer or officers of the Defence Forces to whom the Adjutant-General may have delegated his powers in that behalf, and may out of New Zealand be appointed, promoted, reduced, or returned to New Zealand for discharge by the General Officer Commanding or by any other officer or officers of the Expeditionary Force to whom the General Officer Commanding may have delegated his powers in that behalf.

(ii) Any such appointment may be either probationary, temporary, or permanent, and any such promotion may be acting, temporary, or permanent.

10. Men of the Expeditionary Force may in New Zealand be discharged by the Adjutant-General or by any officer or officers of the Defence Forces to whom the Adjutant-General may have delegated his powers in that behalf; and may when out of New Zealand be returned to New Zealand for discharge by the General Officer Commanding or by any officer or officers of the Expeditionary Force to whom the General Officer Commanding may have delegated his powers in that behalf.

11. No officer of the Expeditionary Force shall be competent without the consent of the Governor-General to resign his commission or appointment in time of war or at any time within twelve months from the conclusion of peace.

**12.** The members of the Expeditionary Force shall while serving in New Zealand be subject to the provisions of the Defence Act, 1909, and the regulations relating to the Defence Forces from time to time in force thereunder, including the paragraphs numbered 464, 465, 466, and 467 of the Schedule to the Regulations for the Military Forces of the Dominion of New Zealand published in the *New Zealand Gazette* of the 25th May, 1927.

**13.** All members of the Expeditionary Force shall so long as a state of war exists be deemed to be on active service within the meaning and for the purpose of the Army Act—

- (a) At all times while out of New Zealand :
- (b) At all times while in New Zealand in the interval between the publication of a military order posting them for active service and their actual departure from New Zealand.

**14.** (i) The Army Act, so far as it relates to offences and to the trial and punishment of persons subject to military law, shall apply to the members of the Expeditionary Force while out of New Zealand :

Provided that no sentence of death imposed by a Court-martial upon any member of the Expeditionary Force shall be carried into effect without the concurrence of the Governor-General.

(ii) For the purpose of this regulation all officers of the Expeditionary Force are hereby declared to be persons subject to military law as officers, and all warrant officers and non-commissioned officers and men of the Expeditionary Force are hereby declared to be persons subject to military law as soldiers, within the meaning of the Army Act.

**15.** There may be deducted from the pay of any member of the Expeditionary Force from time to time such sum or sums as the Minister thinks necessary for the support of any person who in the opinion of the Minister is wholly or partly dependent upon or has a claim for maintenance against the member ; and all sums so deducted may, as the Minister thinks fit, be paid to that person, or any other person on his behalf and for his benefit.

**16.** No assignment or charge of the pay of any member of the Expeditionary Force shall have any force or any effect, whether that pay is at the time of the assignment or charge already due or payable or not.

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

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 11th day of January, 1940.  
These regulations are administered in the Defence Department.