

Serial Number 1942/94



THE EMERGENCY PRECAUTIONS SERVICES (CONDITIONS OF SERVICE) ORDER 1942

PURSUANT to Regulation 5 of the Emergency Reserve Corps Regulations 1941,* the Minister of National Service doth hereby prescribe the conditions set forth in this Order as conditions of service binding on the members of any emergency precautions service established under those regulations in connection with the present war.

CONDITIONS OF SERVICE.

1. This Order may be cited as the Emergency Precautions Services (Conditions of Service) Order 1942.

DEFINITIONS.

2. (1) In this Order, unless the context otherwise requires,—

“The said regulations” means the Emergency Reserve Corps Regulations 1941,* and includes all amendments to those regulations for the time being in force, and also includes any regulations that may hereafter be issued in substitution for those regulations :

“Responsible authority”, in relation to a Government emergency precautions service, means the Dominion Controller of that service, and in relation to any other emergency precautions service means the central committee established in accordance with the said regulations.

(2) Terms defined in the said regulations and used in these regulations have the meanings assigned thereto by the said regulations.

APPLICATION OF THIS ORDER.

3. (1) This Order relates only to such emergency precautions services as are established under the said regulations in connection with the present war. Every emergency precautions service that is in existence at any time during the present war shall be deemed to have been established in connection therewith unless it has been expressly established for an emergency other than an emergency arising from the present war.

* Statutory Regulations 1941, Serial number 1941/194, page 585.

(2) Subject to the last preceding subclause, this Order applies to and shall be binding upon all persons who for the time being are members of an emergency precautions service, whether by voluntary enrolment or otherwise.

TERM OF MEMBERSHIP.

4. Every person who, on the date of this Order, is a member of any emergency precautions service, or who hereafter becomes a member of any such service, shall continue to be a member of that service during the present war and for six months thereafter unless in the meantime—

- (a) He dies ; or
- (b) He is duly discharged ; or
- (c) He is duly transferred to another emergency precautions service or to another branch of the Emergency Reserve Corps.

IDENTIFICATION OF MEMBERS.

5. (1) Except as provided in subclause (2) hereof, there shall be issued by the responsible authority to every member of an emergency precautions service, on his enrolment or as soon thereafter as practicable,—

- (a) An identification card or certificate containing a statement to the effect that he has been enrolled as a member of the service and specifying the unit to which he has been posted ; and
- (b) An official arm-band with the letters E.P.S. imprinted thereon in block capital letters.

(2) The foregoing provisions of this clause shall not apply with respect to any person who, though enrolled as a member of an emergency precautions service, is not actually posted to a unit of the service or is not assigned any duty as a member of the service.

DUTIES OF MEMBERS IN EVENT OF ENEMY ACTION.

6. (1) Controllers of units, acting in conformity with general or special directions given by or with the authority of the responsible authority (as hereinbefore defined) of the emergency precautions service shall instruct the members of their respective units as to their duties in the event of an alarm of enemy action, and in particular shall in their instructions discriminate between—

- (a) Members whose duties necessitate their attendance at their respective posts as soon as possible after an alarm has been given ; and
- (b) Members whose duties do not require immediate attendance at their posts on the giving of an alarm.

(2) If in the event of an alarm being given it is impossible for any member to report at his post when required or within a reasonable time thereafter, it shall be his duty to report, if possible, to some other convenient post (whether in the same district or in any other district), and to carry out as if he were attached to that post any instructions that may be given him.

GENERAL DUTIES OF MEMBERS.

7. (1) It shall be the duty of every member who has been posted to any unit of an emergency precautions service—

- (a) To attend all parades or other assemblies of the unit at the time and place specified in a notice duly given for the purpose unless he is exempted from attendance by the controller or by an officer of the unit acting with the authority of the controller :
- (b) At all times while on duty as a member of his unit to wear his official arm-band :
- (c) At all times, whether on duty or not, to have in his immediate personal possession his official arm-band and also his identification card or other evidence that he has been posted to the unit.

(2) For the purposes of this clause notice of any parade or other assembly shall be deemed to be duly given if it is given orally to the member, or is given in writing addressed to him at his usual place of residence or business, or is given by notice published in a newspaper circulating in the locality where the member resides or works.

(3) No member shall be absent from the district for more than sixteen hours at any time without first having notified the controller of his unit, and every member who intends to be so absent shall, if required so to do by the controller, furnish to the controller such particulars as to his intended movements as will enable the controller to communicate with him at any time. The fact that a member has notified the controller of his intention to be absent from the district shall not excuse his failure to comply with any lawful instructions given to him as a member of the emergency precautions service.

DISCIPLINE OF MEMBERS.

8. Every member of a unit, while on duty as a member of the unit or when required to be on duty, shall obey all instructions in relation to the work of the unit given by the controller or by any other officer or member of the unit having authority over him in relation to his duties.

CHANGE OF RESIDENCE OR PLACE OF EMPLOYMENT.

9. (1) It shall be the duty of every member of an emergency precautions service to give notice in writing to the controller or other responsible officer of his unit of any change of residence or change in his place of business or employment. Every such notice shall be forwarded by the controller to the responsible authority of the service for any action that may be necessary.

(2) If any such notice is not given before the change of residence or place of business or employment takes effect, it shall be given within forty-eight hours thereafter.

(3) If, by reason of any change of residence or place of business or employment as aforesaid, a member cannot attend to his duties as a member of his unit, he shall forthwith report to the controller of the corresponding unit nearest or most convenient to his new place of residence or place of business or employment, with a view to securing his transfer to that or to some other convenient unit.

SERIOUS BREACHES OF DISCIPLINE.

10. For the purposes of this Order, every member of a unit shall be deemed guilty of a serious breach of discipline who—

- (a) Fails to attend any meeting or assembly of the unit when duly required so to do :
- (b) Refuses or wilfully fails to obey any lawful instructions given to him as a member of the unit :
- (c) Obstructs or interferes with any other member of the unit in the performance of his duties as a member of the unit :
- (d) Is intoxicated while on duty as a member of the unit, or is so under the influence of intoxicating liquor as to be incapable of the proper performance of his duties :
- (e) While on duty as a member of the unit, uses any abusive, insulting, blasphemous, or obscene language, or otherwise behaves in an unseemly manner :
- (f) Fails while on duty to wear his arm-band or any other badge or mark that he may be required to wear, or at any time lends, gives, or otherwise disposes of any such arm-band, badge, or mark to any other person :
- (g) Fails to comply with any obligations imposed on him by this Order or by the said regulations or by any order or direction given under the said regulations.

PENALTIES FOR SERIOUS BREACHES OF DISCIPLINE.

11. (1) If the controller of any unit of an emergency precautions service is satisfied, after due inquiry, that any member of the unit has been guilty of a serious breach of discipline, he may impose on the member a monetary penalty of an amount not exceeding £2 in any case.

(2) On the imposition of any penalty as aforesaid, the controller shall forthwith report the matter—

- (a) To the Dominion Controller (if the member is a member of a Government emergency precautions service) ; or
- (b) To the Chairman of the central committee (if the member is a member of a local emergency precautions service).

(3) As soon as practicable after the receipt of a report under the last preceding subclause the Dominion Controller or the Chairman of the central committee (as the case may be) shall, if the member concerned so requires, hold or cause to be held an inquiry into the matter.

(4) Not less than seven days' notice in writing of the time and place fixed for the holding of any such inquiry, with written particulars of the charge made against the member, shall be given to the member who may appear at the inquiry in person or may be represented by any person appointed by him in writing to appear on his behalf.

(5) As the result of any inquiry under this clause, the Dominion Controller or the Chairman of the central committee (as the case may be) may—

- (a) Confirm the decision of the controller ; or
- (b) Reduce the amount of the penalty ; or
- (c) Remit the penalty.

(6) Nothing in this Order as to summary penalties shall be construed to restrict the liability of any member of an emergency precautions service for any offence against the said regulations.

12. (1) Every penalty imposed in accordance with the last preceding clause and not remitted after the holding of an inquiry thereunder may be recovered as a debt by the Dominion Controller or by the Chairman of the central committee, or by a person authorized in that behalf by the Dominion Controller or the Chairman, as the case may be.

(2) All penalties imposed in accordance with the last preceding clause shall, when received, be applied towards the cost of the emergency precautions scheme.

DUTIES OF MEMBERS ON DISCHARGE OR TRANSFER.

13. All arm-bands, badges, equipment, or other things issued to the members of any emergency precautions service shall, so far as may be, remain the property of the issuing authority and, in the event of the transfer or discharge of any member, any property in his possession or under his control belonging to the issuing authority shall be duly accounted for or returned.

Dated at Wellington, this 31st day of March, 1942.

D. WILSON,
For the Minister of National Service.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 1st day of April, 1942.

These regulations are administered in the National Service Department.