



**THE EMERGENCY RESERVE CORPS REGULATIONS 1941,
AMENDMENT NO. 4**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 3rd day of
February, 1943.

Present :

THE HON. D. G. SULLIVAN 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 Emergency Reserve Corps Regulations 1941, Amendment No. 4, and shall be read together with and deemed part of the Emergency Reserve Corps Regulations 1941* (hereinafter, referred to as the principal regulations).

COMPULSORY ENROLMENT IN EMERGENCY RESERVE CORPS.

2. (1) The Minister of Civil Defence, by notice given in accordance with Regulation 10 of the principal regulations, may direct any person who is for the time being eligible for enrolment in the Emergency Reserve Corps to apply for enrolment therein or in a specified branch thereof. Any notice under this subclause may be given to a specified person or to persons of a specified class (with or without exception). Any such notice that is given to persons of a specified class may be given so as to apply to any person if and as soon as he becomes a member of that class, notwithstanding that he may not be a member of that class on the date of the notice.

(2) If any person to or in respect of whom a direction to apply for enrolment as a member of the Emergency Reserve Corps or of any specified branch thereof is given by the Minister of Civil Defence pursuant to this regulation fails to comply with the direction of the Minister, or, having applied for enrolment, fails to make and sign the required declaration, he may be posted to any branch of the Corps or to the specified branch, as the case may be, and shall thereupon become a member of the branch to which he has been posted as if he had voluntarily enrolled therein and been attested.

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

(3) If any direction as aforesaid is given by public notice, it shall be the duty of every employer to ascertain with respect to every person employed or thereafter becoming employed by him—

- (a) Whether or not the direction applies to such person ; and
- (b) If the direction applies to such person, whether or not it has been complied with.

(4) If default is made by any employee in complying with any direction as aforesaid, it shall be the duty of his employer forthwith to report the default to the Director of National Service.

(5) For the purposes of this regulation any person having general control or authority over any employee in relation to his employment shall be deemed to be his employer.

(6) This regulation is in substitution for Regulation 8A of the National Service Emergency Regulations 1940 (as set out in Regulation 3 of the National Service Emergency Regulations 1940, Amendment No. 10*), and the said regulation is hereby consequentially revoked. The revocation of the said regulation shall not affect the obligation imposed on any person to apply for enrolment in the Emergency Reserve Corps or in any specified branch thereof, and shall not affect the liability of any person for any offence heretofore committed by him.

SECTION 60 (3) OF PUBLIC SERVICE ACT, 1912, NOT APPLICABLE TO APPOINTMENTS MADE FOR PURPOSES OF PRINCIPAL REGULATIONS.

3. The provisions of the principal regulations with respect to the appointment of Regional Commissioners or District Controllers or other persons shall have, and be deemed at all times heretofore to have had, effect according to their tenor, notwithstanding anything in subsection (3) of section 60 of the Public Service Act, 1912.

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

* Statutory Regulations 1942, Serial number 1942/142, page 313.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 11th day of February, 1943.

These regulations are administered in the National Service Department.