

Serial Number 1939/143.



THE FACTORY EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, there being a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION I.—PRELIMINARY.

(1) These regulations may be cited as the Factory Emergency Regulations 1939.

(2) These regulations shall be read together with and deemed part of the Supply Control Emergency Regulations 1939.

(3) In these regulations, unless inconsistent with the context,—

“Controller” means the Factory Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the Controller’s powers or functions :

“Factory” means any building, office, or place in which any person is employed, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale; and includes any building, office, or place in which work such as is ordinarily performed in a factory is performed for or on behalf of any local authority, whether for trade or sale or not; but does not include any building in course of erection, nor any temporary workshop or shed for workmen engaged in the erection of any building, nor any bakehouse (meaning thereby any building or place in which any article of food is baked or prepared for baking for sale for human consumption) :

“ Factory materials ” means any materials or goods capable of being used in or for the purposes of any factory, or capable of being dealt with in any factory, whether by being manufactured, improved, altered or prepared, or otherwise ; and includes goods that have been wholly or partly so dealt with ; and also includes any tools, machinery, plant, or equipment capable of being used in or for the purposes of any factory ; and also includes any patent rights relating to any such materials, goods, tools, machinery, plant, or equipment :

“ Occupier,” in relation to any factory, means the person occupying the factory ; and includes any person acting or apparently acting in the general management or control of the factory :

“ Owner,” in relation to any factory materials, includes any person having the materials in his possession or control or on order by him.

REGULATION 2.—FACTORY CONTROLLER.

(1) The Minister may from time to time appoint a Controller to be known as “ the Factory Controller.”

(2) The Controller shall hold office during the pleasure of the Minister.

(3) The general functions of the Controller shall be to organize and promote the undertaking of factory production according to the importance thereof in the public interest, and for that purpose to determine the precedence and order of urgency thereof and to ensure the supply of materials and labour for the prosecution of factory production according to the order of urgency laid down from time to time by the Controller.

(4) The Controller shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to him by the Minister.

REGULATION 3.—REGULATION AND CONTROL OF FACTORY PRODUCTION.

(1) The Controller may from time to time, by notice to the occupier of any factory, whether or not the factory was in operation at the date of these regulations and whether or not it is the subject of any license granted under these regulations, direct that the occupier cease, restrict, or increase the production of the factory or of any branch thereof either generally or in respect of any specified goods or class of goods, or that the occupier produce at the factory or at any branch thereof goods of such kinds, descriptions, types, sizes, quantities, and qualities and in such order of urgency as may be specified in the notice.

(2) Where a notice has been given under this regulation in respect of any factory no person shall, except with the precedent consent of the Controller, do any work in or about the factory in contravention of the terms of the notice, or cause or permit any other person so to do.

REGULATION 4.—LICENSING OF FACTORIES.

The Controller may from time to time direct, either generally or in respect of any specified industry or specified class of factories, that no factory shall be used as a factory except in accordance with a license issued by the Controller under these regulations.

REGULATION 5.—CONTROL OF FACTORY MATERIALS.

(1) The Controller may from time to time regulate, restrict, and control the use, sale, supply, distribution, and disposal of factory materials. The powers conferred by this regulation may be exercised either generally or in respect of any specified area, industry or class of industries, factory or class of factories, materials or class of materials, or person or class of persons.

(2) Without limiting the general powers conferred on the Controller by this regulation, it is hereby declared that they shall be deemed to include power to do all or any of the following things:—

- (a) To require or direct owners of factory materials to furnish such information and particulars in relation thereto, at such times and in such form and manner as the Controller thinks fit:
- (b) To require or direct owners of factory materials to supply or transfer the whole or any part thereof to His Majesty the King or to any other person, in such quantities, at such places, at such times or intervals, in such order of urgency, and generally in such manner as the Controller thinks fit:
- (c) To require or direct occupiers of factories and owners of factory materials not to use, dispose of, part with the possession or control of, or otherwise deal with factory materials except with the precedent consent of the Controller or in accordance with his directions:
- (d) To require or direct occupiers of factories to use such substitutes for factory materials as the Controller thinks fit.

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

Issued under the authority of the Regulations Act, 1936.
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These regulations are administered by the Department of Industries and Commerce, Tourist and Publicity.