

Serial Number 1940/154.



**THE HOSPITAL ACCOMMODATION EMERGENCY
REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of July, 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 Hospital Accommodation Emergency Regulations 1940.

2. In these regulations,—

“ Minister ” means the Minister of Health :

The expression “ hospital accommodation ” includes—

(a) Any accommodation required for the reception or relief of persons in need of medical or surgical treatment, or suffering from any disease ; or

(b) Any accommodation required for the reception or relief of children, or of aged, infirm, incurable, or destitute persons ; or

(c) Accommodation in a maternity hospital ; or

(d) Accommodation in a convalescent home—

and also includes accommodation required for the staff of any institution or place in which any hospital accommodation as aforesaid is afforded.

3. (1) If the Minister is satisfied that by reason of the present war or of conditions created thereby it is necessary in the public interest that provision be made for additional hospital accommodation in any locality, he may, by order in writing, authorize any person or association of persons, or any body corporate named in that behalf in the order, to take possession of any lands and buildings, whether public or private, and to occupy and use the same during the currency of the order for the purpose of providing hospital accommodation therein.

(2) Every order made under this clause shall remain in force for such period as may be specified therein in that behalf, or if no period is so specified, shall remain in force until it is revoked by the Minister.

(3) Any order under this clause may be from time to time renewed by the Minister.

4. (1) While any lands or buildings are occupied by any person, association, or body corporate pursuant to an order made under these regulations, the occupier shall be deemed to be the lessee thereof.

(2) The rent to be payable by the occupier shall be fixed by agreement between the parties concerned, and in default of agreement shall be fixed by arbitration as hereinafter provided.

5. Every person who suffers any loss or damage by the operation of an order made under these regulations shall be entitled to compensation, to be determined, in default of agreement, by arbitration.

6. (1) If, on any claim for rent or compensation under these regulations, the parties cannot agree, the matter shall be submitted to arbitration.

(2) Every submission to arbitration under these regulations shall be to one arbitrator, if the parties can agree upon one arbitrator, and in any other case shall be to two arbitrators, of whom one shall be appointed by the claimant and the other shall be appointed by the Minister (in every case where the claim is against the Minister or an officer in the service of the Government) or by the person, association, or body corporate against whom the claim is made in any other case.

7. Any rent or compensation payable under these regulations shall be payable out of the Consolidated Fund in cases where any lands or buildings are taken for use by the Department of Health or any other Department of State, and in any other case shall be payable by the person, association, or body corporate authorized by an order under these regulations to use such land or buildings.

8. Every person commits an offence against these regulations who, being the owner or occupier, or the agent of the owner or occupier, of any lands or buildings to which an order under these regulations relates, refuses or fails to give possession thereof in accordance with the requirements of that order, or who, directly or indirectly, interferes with or obstructs or hinders any person in the exercise of any powers conferred on him by or by virtue of such order, or who counsels, procures, aids, or abets any person in the commission of any such offence.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 18th day of July, 1940.

These regulations are administered in the Department of Health.