

Serial Number 1941/18.



**THE LIGHTING RESTRICTIONS EMERGENCY
REGULATIONS 1941.**

MICHAEL MYERS,

Administrator of the Government.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of
February, 1941.

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN
COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Administrator of the Government of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Lighting Restrictions Emergency Regulations 1941.

(2) In these regulations, unless the context otherwise requires,—

“Controller” means the Dominion Lighting 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 :

“Minister” means the Minister of National Service; and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions :

“Person” includes a corporation sole, and also a body of persons, whether corporate or unincorporate :

References to the display of lights include references to the reflecting of light and to the emission or escape of light, flames, sparks, or glare; and “light” has a corresponding meaning.

REGULATION 2.—DOMINION LIGHTING CONTROLLER.

(1) The Minister may from time to time appoint any specified person or the holder for the time being of any specified office to be the Dominion Lighting Controller.

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

(3) Whenever there is no other person in office as the Lighting Controller the person for the time being holding office as the Electricity Controller under the Electricity Emergency Regulations 1939* shall be deemed to be the Dominion Lighting 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.

(5) The Minister may from time to time exercise or perform any of the powers or functions of the Controller either in his own name or in the name of the Controller.

REGULATION 3.—FUNCTIONS OF CONTROLLER.

The general function of the Controller shall be to prevent or regulate the display of lights of any description, so far as may be necessary or expedient in the interests of the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged.

REGULATION 4.—POWERS OF CONTROLLER.

(1) The Controller shall have all such powers, privileges, and rights, including the right of access to any premises, as may appear to him to be necessary to enable him to carry out his functions.

(2) Without limiting the generality of the foregoing provisions, it is hereby declared that the Controller may do such things and give such orders and directions as may appear to him to be necessary for the purpose of—

(a) Preventing, prohibiting, controlling, or regulating the display of lights, or reducing the power of lights, or extinguishing, disconnecting, dismantling, removing, shading, obscuring, or otherwise dealing with lights :

(b) Securing that in such circumstances as the Controller thinks fit such indication of the position of such premises and places, and such warning of the presence of such vehicles, vessels, animals, and things as he thinks fit shall be given by such means as he thinks fit, and regulating the manner in which any apparatus for the purpose of giving any such indication or warning is to be constructed, installed, and used.

(3) Any order or direction given by the Controller under these regulations may be general, or may be limited to specified localities, lights, persons, premises, places, vehicles, vessels, animals, or things, or to specified classes thereof. Different orders or directions may be given in respect of different lights or classes of lights or in respect of the same lights or classes of lights in different localities or places, at different times, or in different circumstances.

* Statutory Regulations 1939, Serial number 1939/146, page 664.

REGULATION 5.—DELEGATION OF POWERS BY MINISTER AND CONTROLLER.

(1) The Minister and the Controller may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any person any of his powers and functions, including the power of delegation conferred by this regulation.

(2) Subject to clause (3) of this regulation, every person to whom any such powers or functions are delegated by the Minister or by the Controller may, without confirmation by the Minister or Controller, exercise or perform them in the same manner and with the same effect as the Minister or Controller could himself have exercised or performed them.

(3) Every such person shall be subject in all things to the control of the Minister and also of the Controller, and shall act in accordance with all directions, general or special, given to him by the Minister or by the Controller.

(4) Any delegation under this regulation may be made to a specified person or class of persons, including any warden or wardens and the holder or holders for the time being of a specified office or class of offices, whether in the Government service or in any emergency precautions organization or otherwise.

REGULATION 6.—EXEMPTIONS.

The Minister or the Controller may from time to time grant complete or partial exemptions from compliance with the provisions of these regulations or with any order, direction, restriction, requirement, or condition given or imposed under these regulations.

REGULATION 7.—GRANTING OF PERMITS, CONSENTS, AND EXEMPTIONS.

(1) Every person who applies to the Minister or to the Controller for any permit, consent, or exemption under these regulations shall furnish such information and particulars as the Controller may from time to time require.

(2) The Minister or the Controller, in his discretion, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any such permit, consent, or exemption may be at any time revoked by the Minister or by the Controller, and any such conditions may from time to time be varied, revoked, or added to by the Minister or by the Controller as he thinks fit.

REGULATION 8.—AUTHENTICATION OF DOCUMENTS.

(1) Any notice, order, direction, permit, or other instrument given, granted, or made by the Minister or by the Controller under these regulations shall be sufficiently authenticated if it is signed by the Minister or Controller or by any person on behalf of and by direction of the Minister or Controller, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or the Controller shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or Controller, as the case may be.

REGULATION 9.—NOTICES.

(1) The Minister or the Controller may give public notice of the exercise of any of his powers under these regulations or of any order, direction, restriction, requirement, or condition given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or the Controller may, without public notice, give notice to any person of any such order, direction, restriction, requirement, or condition, and every person to whom the notice is given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last-known place of abode or business or at the address specified by him in any application or other document received from him by the Minister or by the Controller, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery, it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

REGULATION 10.—ENFORCEMENT OF REGULATIONS.

(1) If any provision of these regulations or of any order or direction given under these regulations is contravened or not complied with in the case of any premises, vehicle, or vessel, any constable may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the provision.

(2) If any provision of these regulations or of any order or direction given under these regulations is contravened or not complied with in the case of any vehicle any traffic inspector within the meaning of the Traffic Regulations 1936* may board the vehicle and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the provision. Any power or authority conferred upon any such traffic inspector by the Traffic Regulations 1936 or any other regulations may be exercised by him for the purposes of these regulations.

(3) Any constable who has reason to suspect in the case of any vehicle that any provision of these regulations or of any order or direction given under these regulations is being or has been contravened or not

* Statutory Regulations 1936-7, Serial number 1936/86, page 319.

complied with may take any reasonable steps for the purpose of inspecting or examining the vehicle, or any part thereof or any lamps thereon or therein, with a view to ascertaining whether or not there is or has been any such contravention or non-compliance.

(4) Any constable may arrest without warrant any person who, after being warned in that behalf, wilfully contravenes or fails to comply with any provision of these regulations or of any order or direction given under these regulations, or who is reasonably suspected of having committed or of being about to commit any such wilful offence after being so warned.

(5) Any constable may search and detain for the purpose of search any person who is found committing or is reasonably suspected of having committed or of being about to commit any offence against these regulations, and anything that any such person has with him.

(6) The provisions of this regulation are in addition to and not in derogation of any other provisions of these regulations conferring powers on the Controller or any other person.

REGULATION 11.—OFFENCES.

(1) Every person commits an offence against these regulations who—

(a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any order, direction, restriction, requirement, or condition given or imposed under these regulations :

(b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or the Controller (whether in writing or otherwise) for the purposes of these regulations :

(c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction—

(a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50 and (if the offence is a continuing one) to a further fine not exceeding £10 for every day during which the offence continues :

(b) In the case of a body corporate, to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £20 for every day during which the offence continues.

(3) If any provision of these regulations or of any order or direction given under these regulations is contravened or not complied with in the case of any premises, vehicle, or vessel, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against these regulations :

Provided that in any proceedings which by virtue of this clause are taken against any person in respect of a contravention of or non-compliance with any such provision on the part of another person, it

shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the provision.

(4) Without prejudice, in the case of premises, a vehicle, or a vessel, to the liability of the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, any provision of these regulations or of any order or direction given under these regulations rendering unlawful the display of any light, or requiring any light to be displayed or any other thing to be done or not to be done, shall be construed as including a specific provision that no person shall cause or permit that light to be displayed or not to be displayed or, as the case may be, that thing not to be done or to be done.

(5) Where the display of any light is, under the provisions of these regulations or of any order or direction given under these regulations, lawful only if any conditions specified by or under the provisions thereof are fulfilled, then, without prejudice to the generality of clause (4) of this regulation, any person who does any act whereby those conditions cease to be fulfilled shall be deemed for the purposes of these regulations to cause or permit the light to be displayed.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 20th day of February, 1941.
These regulations are administered in the National Service Department.