

Serial Number 1939/147.



THE MINING 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 1.—PRELIMINARY.

(1) These regulations may be cited as the Mining 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 Mining 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 :

“Mine” means a mine within the meaning of the Mining Act, 1926 ; and includes a coal-mine within the meaning of the Coal-mines Act, 1925 :

“Gasworks” means any works used for the manufacture and storage of coal-gas :

“Mining materials” means any materials or goods capable of being used in or for the purposes of any mine or gasworks or capable of being dealt with in or for the purposes of any mine or gasworks, 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 mine or gasworks ; and also includes any patent rights relating to any such materials, goods, tools, machinery, plant, or equipment :

- “Product” means any product or by-product of any mine or gasworks :
- “Occupier,” in relation to any mine or gasworks, means the person, body of persons, company, or local authority owning or controlling the mine or gasworks ; and includes any person acting or apparently acting in the general management or control of the mine or gasworks :
- “Owner,” in relation to any mining materials or products, includes any person having the materials or products in his possession or control or on order by him.

REGULATION 2.—MINING CONTROLLER.

(1) The Minister may from time to time appoint a Controller to be known as “the Mining 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 maintenance of employment and production in mines and gasworks, to control the production and distribution of the products thereof 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 in relation to mines and gasworks an adequate supply of materials and labour, continuity in production, the most efficient means of distribution of products, and the avoidance of waste.

(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 MINES AND GASWORKS.

(1) The Controller may at any time, by notice to the occupier of any mine or gasworks, whether or not the mine or gasworks 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 or restrict the production of the mine or gasworks either generally or in respect of any particular products or class of products, or that the occupier produce at the mine or gasworks products 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 mine or gasworks no person shall, except with the precedent consent of the Controller, do any work in or about the mine or gasworks in contravention of the terms of the notice, or cause or permit any other person so to do.

REGULATION 4.—LICENSING OF MINES AND GASWORKS.

The Controller may from time to time direct, either generally or in respect of any specified mines or gasworks or classes thereof, that no mine or gasworks shall be operated except in accordance with a license issued by the Controller under these regulations.

REGULATION 5.—CONTROL OF MINING MATERIALS AND PRODUCTS.

(1) The Controller may from time to time regulate, restrict, and control the operation of mines and gasworks, and the use, sale, supply, distribution, and disposal of mining materials and products. The powers conferred by this regulation may be exercised either generally or in respect of any specified area, industry or class of industries, mine or class of mines, gasworks or class of gasworks, materials or class of materials, product or class of products, 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 occupiers of mines and gasworks and owners of mining materials and products to furnish such information and particulars in relation thereto at such time and in such form and manner as the Controller thinks fit :
- (b) To require or direct owners of mining materials and products 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 mines and gasworks and owners of mining materials and products not to use, dispose of, part with the possession or control of, or otherwise deal with mining materials and products except with the precedent consent of the Controller or in accordance with his directions :
- (d) To require or direct occupiers of mines and gasworks to use such substitutes for mining 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 Mines Department.