

Serial Number 1949/187

THE NAVAL DOCKYARD REGULATIONS 1949

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 6th day of
December, 1949

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Naval Defence Act, 1913, 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 Naval Dockyard Regulations 1949.
2. These regulations shall come into force on the 1st day of January, 1950.
3. In these regulations, unless the context otherwise requires,—
 - “ Naval Armament Depot ” means His Majesty’s New Zealand Naval Armament Depot situated at Kauri Point, Birkenhead, and all land and buildings within or contiguous thereto being from time to time for the time being the property of or occupied by His Majesty and administered by the Naval Board :
 - “ Naval Board ” means the Naval Board of New Zealand established by the Naval Defence Amendment Act, 1936 :
 - “ Naval Dockyard ” means the naval repair yard commonly known as His Majesty’s New Zealand Dockyard situated at Devonport, and includes all land, wharves, jetties, and buildings within or contiguous thereto being from time to time for the time being the property of or occupied by His Majesty and administered by the Naval Board ; and also includes the Calliope Dock and land and buildings contiguous thereto being the property of or administered by the Auckland Harbour Board ; and also includes all land, wharves, jetties, and buildings in Ngataringa Bay and Islington Bay being from time to time for the time being the property of or occupied by His Majesty and administered by the Naval Board :
 - “ Naval Officer in Charge ” means the officer appointed by the Governor-General pursuant to the Naval Defence Act, 1913, as Naval Officer in Charge, Auckland :

“Responsible officer” means any commissioned naval officer for the time being borne on the books of His Majesty’s New Zealand Ship “Philomel”; and includes any commissioned Army or Air Force officer appointed for duty in the Naval Dockyard.

4. The several powers conferred upon the Naval Officer in Charge by these regulations shall respectively be exercisable by him only so far as he may from time to time be directed by the Naval Board to exercise them, and any such direction may from time to time be varied, modified, or withdrawn by the Naval Board.

5. The fact that the Naval Officer in Charge exercises any power under these regulations shall, in the absence of proof to the contrary, be sufficient evidence that he is duly authorized by the Naval Board to exercise that power.

6. The powers conferred on the Naval Officer in Charge by these regulations shall be in addition to all other powers and authorities vested in him by virtue of his office.

7. The Naval Officer in Charge shall have complete and absolute control of the Naval Dockyard and the Naval Armament Depot.

8. The Naval Officer in Charge may in his absolute discretion control, limit, or restrict the movements or activities of any person or group of persons within the Naval Dockyard or the Naval Armament Depot in such manner as he may deem necessary to ensure complete security of the Naval Dockyard and the Naval Armament Depot; and in exercise of that discretion he may order the removal of any person or group of persons therefrom, or prohibit the entry of any person or group of persons therein, without being called upon to give to any person any reason for his so doing.

9. The Naval Officer in Charge may order the immediate removal of any workman or employee, by whomsoever employed, engaged in or about the Naval Dockyard or the Naval Armament Depot, or of any person or group of persons found thereon, without assigning any reason for his so doing, and he may, if he deems it necessary, direct the use of sufficient forcible means to effect the removal of any such workman, employee, person, or group of persons.

10. The Naval Officer in Charge shall exercise complete and absolute control of all shipping and small craft lying within or alongside or in the immediate vicinity of the Naval Dockyard or the Naval Armament Depot.

11. The Naval Officer in Charge shall be entitled, so far as and whenever he thinks fit, to exercise complete and absolute control over the master and crew of any ship lying within or alongside the Naval Dockyard, and all persons in or engaged about any such ship, by whomsoever employed, and may order the immediate removal from any such ship or its neighbourhood of any such person as aforesaid.

12. The Naval Officer in Charge may apprehend or detain, or cause to be apprehended or detained, any person found within or in the precincts of the Naval Dockyard or the Naval Armament Depot if in his absolute discretion he considers that there is any reasonable ground for suspecting that person to be engaged or about to engage in an act calculated to be harmful to the Naval Dockyard or the Naval Armament Depot, or to any Government property thereon.

13. The Naval Officer in Charge may, with the approval of the Naval Board, from time to time by public notice declare that any specified area adjoining the Naval Dockyard or the Naval Armament Depot, including any portion of the Waitemata Harbour contiguous to the Naval Dockyard or the Naval Armament Depot, is a prohibited area, and that during such periods as may be so notified no person is permitted to approach or enter the prohibited area.

14. The powers conferred by Regulations 8 and 9 hereof shall be exercisable in respect of a prohibited area as fully as in respect of the Naval Dockyard and the Naval Armament Depot.

15. The Naval Officer in Charge may prescribe terms or conditions upon or subject to which persons may be permitted to enter the Naval Dockyard or the Naval Armament Depot, and in particular he may cause all or any persons entering or leaving, or about to enter or leave, to be searched, both as to their persons and also as to vehicles, receptacles, or parcels belonging to or in the possession of any such persons. Any person attempting to enter or leave who refuses to submit to any such search as aforesaid may be subject to such force as may be reasonably necessary to carry out an effective search, both as to his person and as to any such vehicles, receptacles, and parcels.

16. The Naval Officer in Charge may delegate all or any of the aforesaid powers vested in him to any one or more responsible officers :

Provided that any action taken under these regulations by any such officer to whom he delegates the powers shall be confirmed or rescinded by the Naval Officer in Charge within forty-eight hours or, should he be absent from the Port of Auckland, within forty-eight hours after his return thereto.

17. The fact that any responsible officer exercises any powers under these regulations shall, in the absence of proof to the contrary, be sufficient evidence that he is duly authorized by delegation from the Naval Officer in Charge to exercise those powers, and no rescission or absence of confirmation of any action taken by a responsible officer shall invalidate any action so taken or affect the liability of any person charged with an offence against these regulations.

18. Any constable may carry out an order of the Naval Officer in Charge relating to the removal of any person, the apprehension or detention of any person, or the search of any person, vehicle, receptacle, or parcel.

19. The powers conferred on constables by these regulations shall be in addition to and not in derogation of the powers conferred on constables by any statute.

20. Every person commits an offence against these regulations who disobeys or fails forthwith to comply with any order, direction, or requirement given under these regulations, or who approaches or enters or attempts to enter a prohibited area, during such period as may be notified as hereinbefore provided, or who fails to comply with any terms or conditions prescribed upon or subject to which he is permitted to enter the Naval Dockyard or the Naval Armament Depot.

21. Every person who commits an offence against these regulations shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20.

22. (1) These regulations are in substitution for the Naval Dockyard Emergency Regulations 1940* and the Naval Dockyard Emergency Regulations 1940, Amendment No. 1† (which regulations were revoked by section 2 (2) of the Emergency Regulations Amendment Act, 1949, and are hereinafter referred to as the former regulations).

(2) All powers, directions, authorities, orders, declarations, notices, approvals, terms and conditions, and delegations and generally all acts of authority that originated under the former regulations, and are subsisting or in force at the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the former regulations, and pending or in progress at the commencement of these regulations, may be continued and completed under these regulations.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1940, Serial number 1940/143, page 497.

† Statutory Regulations 1941, Serial number 1941/127, page 404.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 8th day of December, 1949.
These regulations are administered in the Navy Office.