

Serial Number 1940/186.



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,
AMENDMENT NO. 1.**

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day
of August, 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 National Service Emergency Regulations 1940, Amendment No. 1.

2. These regulations shall be read together with and deemed part of the National Service Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

3. Regulation 5 of the principal regulations is hereby amended by adding the following clauses:—

“(4) For the purposes of this regulation a person shall be deemed to be resident in New Zealand if his home is in New Zealand.

“(5) Every person who has arrived in New Zealand (whether before or after the commencement of these regulations) with the intention of establishing his home in New Zealand or with the intention of remaining in New Zealand for an indefinite period shall be deemed for the purposes of this regulation to be resident in New Zealand from the date of his arrival.

“(6) Without limiting the provisions of the last two preceding clauses, it is hereby declared that every person who (having arrived in New Zealand before or after the commencement of these regulations) has remained or remains in New Zealand for a continuous period of not less than twelve months shall, unless and until he satisfies the Director to the contrary,

* Statutory Regulations 1940. Serial number 1940/117.

be deemed for the purposes of this regulation to be resident in New Zealand. For the purposes of this clause the continuous presence of any person in New Zealand shall not be deemed to have been interrupted by his absence from New Zealand for any period or periods if none of those periods exceeds four months.

“(7) Every person for the time being engaged under New Zealand articles in any ship shall be deemed for the purposes of this regulation to be resident in New Zealand unless he satisfies the Director that he is not resident in New Zealand and is resident in some other country.”

4. Regulation 26 of the principal regulations is hereby amended by omitting from clause (1) the words “Chairman of the Board for the district in which the appellant is for the time being resident”, and substituting the words “Director of National Service at Wellington”.

5. The principal regulations are hereby amended by inserting, after Regulation 26, the following additional regulation:—

“REGULATION 26A.—TRANSMISSION OF NOTICE TO APPEAL BOARD.

“(1) On receipt of any notice of appeal (whether posted within the time limited under these regulations or not) the Director shall transmit it to the Chairman of that Appeal Board which in the opinion of the Director may most conveniently hear the appeal.

“(2) The Director may, if he thinks fit, transmit with the notice of appeal any documentary evidence or statement which he desires to bring to the knowledge of the Appeal Board.”

6. Regulation 32 of the principal regulations is hereby amended by adding the following as clauses (2) and (3) thereof:—

“(2) Every appeal under this regulation shall be instituted by transmitting a notice of appeal to the Chairman of that Appeal Board which in the opinion of the Director may most conveniently hear the appeal.

“(3) The provisions of these regulations as to appeals, except Regulation 26 (2) and the proviso to Regulation 27 (2), shall, so far as they are applicable and with the necessary modifications, apply with respect to appeals under this regulation.”

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of publication in *Gazette*: 17th day of August, 1940.

These regulations are administered in the National Service Department.