



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,
AMENDMENT NO. 12**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day
of June, 1942.

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

2. These regulations shall come into force on the 23rd day of June, 1942.

**MEMBERS OF ARMED FORCES LIABLE FOR SERVICE IN NEW ZEALAND
OR ELSEWHERE.**

3. (1) Notwithstanding anything to the contrary in section 22 of the Defence Act, 1909†, or in section 7 (2) of the Air Force Act, 1937, or in any other enactment, every male member of any armed force shall be liable as such member for service wherever he is required, whether in New Zealand or elsewhere.

(2) This regulation shall apply to all male members of any armed force, whether they are members thereof by reason of the provisions of the principal regulations or otherwise, and whether they are members of that force at the commencement of these regulations or become members thereafter.

4. Every man who at the commencement of these regulations is a member of the Territorial Force and also a member of the Reserve shall thereupon cease to be a member of the Reserve.

* Statutory Regulations 1940, Serial number 1940/117, page 381.

Amendment No. 1 : Statutory Regulations 1940, Serial number 1940/186, page 599.

Amendment No. 2 : Statutory Regulations 1940, Serial number 1940/223, page 731.

Amendment No. 3 : Statutory Regulations 1941, Serial number 1941/3, page 7.

Amendment No. 4 : Statutory Regulations 1941, Serial number 1941/73, page 277.

Amendment No. 5 : Statutory Regulations 1941, Serial number 1941/148, page 479.

Amendment No. 6 : Statutory Regulations 1941, Serial number 1941/154, page 499.

Amendment No. 7 : Statutory Regulations 1941, Serial number 1941/210, page 631.

Amendment No. 8 : Statutory Regulations 1942, Serial number 1942/5, page 19.

Amendment No. 9 : Statutory Regulations 1942, Serial number 1942/69, page 155.

Amendment No. 10 : Statutory Regulations 1942, Serial number 1942/142, page 313.

Amendment No. 11 : Statutory Regulations 1942, Serial number 1942/158, page 366.

† See Reprint of Statutes, Vol. II, page 583.

5. Notwithstanding anything to the contrary in Regulation 10 of the Defence Emergency Regulations 1941,* or in any other enactment, no member of the Home Guard who is not for the time being a member of any armed force within the meaning of the principal regulations shall be transferred to any such armed force unless he has previously consented to the transfer or been called up for service with the armed forces.

RIGHT OF APPEAL.

6. Where on the date of the commencement of these regulations any man is a member of any armed force and has not been called up under the principal regulations for service overseas, the provisions of the principal regulations relating to appeals shall, so far as they are applicable and with the necessary modifications, apply to him in the same manner as if he had been duly called up for service overseas by a notice published in the *Gazette* on that date under Regulation 16 of the principal regulations.

7. Every appeal instituted under the principal regulations before the date of the commencement of these regulations, whether it is against calling-up for service with the Territorial Force or against calling-up for service overseas, shall, if it has not been finally determined before that date, be deemed to be an appeal against service wherever required, whether in New Zealand or elsewhere.

MISCELLANEOUS AMENDMENTS AND REVOCATIONS.

8. The principal regulations are hereby amended by inserting, after Regulation 27, the following regulation :—

“REGULATION 27A.—TAKING OF EVIDENCE BY ONE APPEAL BOARD FOR ANOTHER BOARD.

“(1) On the hearing of any appeal the Appeal Board may, if it thinks fit, make an order for the taking of the evidence of any person, whether a party to the appeal or not, before any other Appeal Board (hereinafter referred to as the examining Board), and may thereupon adjourn the hearing of the appeal.

“(2) The notice of appeal shall be transmitted by the Appeal Board to the examining Board, together with the name and address of the person to be examined.

“(3) The examining Board shall thereupon appoint a time and place for the examination, and may at the time and place so appointed, or at any adjournment of the examination, hear the evidence of the person to be examined.

“(4) The provisions of the principal regulations shall apply as if the examining Board were hearing the appeal, and as if the examination under this regulation were part of the hearing of the appeal.

“(5) All evidence given at the examination shall be reduced to writing and signed by the Chairman of the examining Board and by the person giving the evidence, and shall be transmitted to the Appeal Board by which the order for the examination was made. The signature of any Chairman to any such written evidence shall be judicially noticed and shall be sufficient proof that the evidence was given by the person whose evidence it is expressed to be.

“(6) Every person giving evidence at any such examination shall be deemed to have given his evidence on the hearing of the appeal, and his evidence may be acted upon accordingly.”

* Statutory Regulations 1941, Serial number 1941/130, page 421.

Amended: Statutory Regulations 1941, Serial number 1941/152, Regulation 4, page 493.

9. The principal regulations are hereby amended in the manner indicated in the First Schedule hereto.

10. The regulations specified in the Second Schedule hereto are hereby revoked.

SCHEDULES.

FIRST SCHEDULE.

AMENDMENTS OF PRINCIPAL REGULATIONS.

Number of Regulation, &c., affected.	Nature of Amendment.
Regulation 17 (2) ..	By omitting all words after the words "after that date".
Regulation 21 (1) ..	By re-inserting, after the words "right of appeal" the words "to an Armed Forces Appeal Board".
Regulations 22 and 23	By omitting the word "Governor-General", wherever it occurs, and substituting in each case the word "Minister".
Regulation 26 (1) ..	By revoking this clause, and substituting the following clause :—
	" (1) Every appeal to an Appeal Board shall be instituted by posting or delivering a notice of appeal to the Secretary of the Appeal Board for the district in which the appellant is for the time being resident."
Regulation 26 (3) ..	By omitting the words "or the Man-power Committee".
Regulation 26 (4) ..	By omitting the words "or Man-power Committee", and also omitting the words "or Committee".
Regulation 26A ..	By revoking this regulation, and substituting the following regulation :—
	" REGULATION 26A.—TRANSMISSION OF APPEALS.
	" (1) Any Appeal Board may at any time and if so directed by the Minister shall transmit any appeal to another Appeal Board.
	" (2) Any direction by the Minister under this regulation may be given in respect of a specified appeal or of appeals of a specified class.
	" (3) Any Appeal Board to which any appeal is transmitted may hear or rehear the appeal or continue or adjourn the hearing thereof or otherwise exercise jurisdiction in respect of the appeal, notwithstanding that the appeal may have been previously heard, partly heard, reheard, adjourned, determined, or otherwise dealt with by any other Appeal Board or by a Man-power Committee."
Regulation 27 (2) ..	By omitting from the proviso the words "one month", and substituting the words "ten days".
Regulation 27 (8)	By omitting the words "unless it sees good reason to the contrary".
Regulation 30 (1) ..	By omitting the words "not being an appeal to which clause (2) hereof applies".
Regulations 30A and 30B	By revoking these regulations, and substituting the following regulation :—
	" REGULATION 30A.—TEMPORARY HOME GUARD SERVICE.
	" Where an appeal against calling up for service with the armed forces is adjourned pending its final determination the Appeal Board may at the time of the adjournment and from time to time thereafter direct that the appellant be transferred to the Home Guard or retransferred from that force to any armed force within the meaning of the principal regulations."

SECOND SCHEDULE.

REGULATIONS REVOKED.

Title of Regulations affected.	Serial Number.	Extent of Revocation.
The National Service Emergency Regulations 1940	1940/117	Regulations 13 (2), the proviso to Regulation 14 (1), the proviso to Regulation 17 (1), Regulations 17 (2A), 21 (1A), 21 (1C), 26 (1A), 27 (9), and 30 (2).
The National Service Emergency Regulations 1940, Amendment No. 1	1940/186	Regulation 5.
The National Service Emergency Regulations 1940, Amendment No. 2	1940/223	Regulations 10, 11, 12, 13, 16, 18, 19, 20 (2), 24, and 25.
The National Service Emergency Regulations 1940, Amendment No. 4	1941/73	Regulations 9, 13, and 14.
The National Service Emergency Regulations 1940, Amendment No. 5	1941/148	Regulation 5.
The National Service Emergency Regulations 1940, Amendment No. 6	1941/154	Regulations 4, 6, and 7.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 22nd day of June, 1942.

These regulations are administered in the National Service Department.