

Serial Number 1944/14



**THE NATIONAL SERVICE EMERGENCY REGULATIONS 1940,
AMENDMENT NO. 15**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 10th day of
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING 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. 15, and shall be read together with and deemed part of the National Service Emergency Regulations 1940* (hereinafter referred to as the principal regulations).

2. Clause 4 of Regulation 44A of the principal regulations†, as amended by the National Service Emergency Regulations 1940, Amendment No. 11‡, is hereby further amended by inserting, after the words "is satisfied that", the words "any defaulter has committed an act of violence in a detention camp, or that any defaulter has escaped from a detention camp, or that any defaulter has attempted so to escape and has subsequently either made a further attempt to escape or shown an intention to escape, or that for any other reason whatsoever".

3. Regulation 44A of the principal regulations is hereby further amended by inserting, after clause (4c)§, the following clause:—

"(4d) If a Medical Board, or a registered medical practitioner, reports that any defaulter should be placed under medical observation or given medical treatment and the

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

† Statutory Regulations 1941, Serial number 1941/148, Regulation 8, page 483.

‡ Statutory Regulations 1942, Serial number 1942/158, page 366.

§ Statutory Regulations 1941, Serial number 1941/210, Regulation 9, page 634.

Minister is satisfied that the observation or treatment cannot be conveniently carried out or given in the detention camp, the defaulter may be detained in any prison for the purposes of medical observation or treatment for such period as the Minister, acting on the report of a Medical Board or a registered medical practitioner, deems necessary."

4. (1) Clause (8) of Regulation 44A of the principal regulations is hereby amended by inserting, after the word "constable", the words "or by any person authorized in that behalf by the Minister or the Controlling Officer,".

(2) The said clause (8) is hereby further amended by adding the words "or to such other place of detention as the Minister or the Controlling Officer may direct".

5. Regulation 44A of the principal regulations is hereby further amended by inserting, after clause (9), the following clauses:—

"(9A) Upon the conviction of any man of the offence of escaping from defaulters' detention or of failing to return thereto at the time and place appointed after any period of temporary release, the Magistrate or Justices by whom he is convicted shall determine the period during which he has been absent by reason of the offence, and, in addition to any other penalty, he shall remain under defaulters' detention for the period so determined after the termination of the present war or, as the case may be, after the time when, if he had not been so convicted, he would have been discharged from defaulters' detention.

"(9B) Every person commits an offence against these regulations who by any means whatsoever—

"(a) Procures or persuades any defaulter to escape or absent himself without leave, or attempts to procure or persuade any defaulter to escape or absent himself without leave; or

"(b) Knowing that a defaulter is about to escape or absent himself without leave, aids or assists him in escaping or absenting himself without leave; or

"(c) Knowing any defaulter to be an escapee or absentee without leave, conceals him or aids or assists him in concealing himself, or receives or harbours him, or in any way whatsoever assists him to remain or attempt to remain an escapee or absentee without leave."

6. The principal regulations are hereby amended by inserting, after Regulation 48, the following heading and regulation:—

"REGULATION 48A.—EMPLOYERS NOT TO EMPLOY DEFAULTERS

"Every person who employs or retains in his service any defaulter who has escaped or is absent without leave from a detention camp commits an offence against these regulations unless he proves that he did not know and had no reason to suspect that the man so employed or retained in his service was an escapee or absent without leave."

7. Regulation 51 of the principal regulations is hereby amended by adding the following as clause (2) thereof:—

“(2) Without prejudice to the generality of the foregoing provisions of this regulation, it is hereby declared that no person having in his possession any information which may be of use in enabling any defaulter who has escaped or is absent without leave from a detention camp to be found shall withhold such information from the Director, or from any constable, on being required to disclose it.”

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 11th day of February, 1944.

These regulations are administered in the Department of National Service.