

Serial Number 1939/131.



THE SUPPLY CONTROL 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 Supply Control Emergency Regulations 1939.

- (2) In these regulations, unless inconsistent with the context,—
- “ Controller ” means a Controller appointed for the purposes of these regulations ; and includes any person for the time being authorized to exercise or perform any of the powers or functions of any Controller :
- “ Minister ” means the Minister of Supply ; and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions :
- “ Person ” includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

REGULATION 2.—MINISTER OF SUPPLY.

(1) These regulations shall be administered by such Minister of the Crown as the Governor-General may from time to time appoint in that behalf.

(2) The Minister so appointed shall, for the purposes of these regulations, be known as the “ Minister of Supply.”

(3) The general function of the Minister shall be to direct and co-ordinate the work of Controllers.

(4) The Minister may from time to time exercise or perform any of the powers or functions of any Controller either in his own name or in the name of the Controller.

REGULATION 3.—INQUIRIES AND INVESTIGATIONS.

(1) The Minister and every person appointed for that purpose by the Minister shall have the power of holding judicial inquiries conferred on the Minister of Industries and Commerce by section 13 of the Board of Trade Act, 1919, as amended by section 6 of the Board of Trade Amendment Act, 1923, and all powers incidental thereto; and the provisions of sections 14 to 25 of the Board of Trade Act, 1919, and all other relevant provisions of that Act shall, with the necessary modifications, apply accordingly.

(2) Nothing in the foregoing provisions of this regulation shall be construed to affect the powers of the Minister of Industries and Commerce.

REGULATION 4.—DELEGATION OF POWERS BY MINISTER AND CONTROLLERS.

(1) The Minister and every Controller may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any person any of his powers and functions, including the power of delegation conferred by this regulation.

(2) Subject to the next succeeding clause, every person to whom any powers or functions are delegated by the Minister or by any Controller may, without confirmation by the Minister or Controller, exercise or perform them in the same manner and with the same effect as the Minister or Controller could himself have exercised or performed them.

(3) Every such person shall be subject in all things to the control of the Minister and also of the Controller (if any) by whom he is appointed, and shall act in accordance with all directions, general or special, given to him by the Minister or by the Controller.

(4) Any delegation under this section may be made to a specified person or class of persons or to the holder or holders for the time being of a specified office or class of offices, whether in the Government service or otherwise.

REGULATION 5.—EXEMPTIONS.

The Minister or any Controller may from time to time grant complete or partial exemptions from compliance with the provisions of these regulations or with any direction, restriction, requirement, or condition given or imposed under these regulations.

REGULATION 6.—GRANTING OF LICENSES, PERMITS, CONSENTS, AND EXEMPTIONS.

(1) Every person who applies to the Minister or to any Controller for any license, permit, consent, or exemption under these regulations shall furnish such information and particulars as the Controller may from time to time require.

(2) The Minister or Controller, in his discretion, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any license, permit, consent, or exemption may be at any time revoked by the Minister or Controller, and any such conditions may from time to time be varied, revoked, or added to by the Minister or Controller as he thinks fit.

REGULATION 7.—AUTHENTICATION OF DOCUMENTS.

(1) Any notice, direction, license, permit, or other instrument given, granted, or made by the Minister or by any Controller shall be sufficiently authenticated if it is signed by the Minister or Controller or by any person on behalf of and by direction of the Minister or Controller, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or any Controller shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or Controller, as the case may be.

REGULATION 8.—NOTICES.

(1) The Minister or any Controller may give public notice of the exercise of any of his powers under these regulations or of any direction, restriction, or requirement given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or any Controller may, without public notice, give notice to any person of any such direction, restriction, or requirement, and every person to whom the notice is given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application or other document received from him by the Minister or by any Controller, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

REGULATION 9.—PAYMENT FOR SUPPLIES AND SERVICES.

(1) Every person who supplies or transfers any materials, goods, chattels, rights, or services pursuant to any direction, requirement, or condition made or imposed under these regulations shall be entitled to receive payment therefor out of moneys appropriated by Parliament for the purpose.

(2) In determining the amount to be paid in respect of any goods regard need not be had to the market price, but shall be had—

- (a) If the goods are supplied or transferred by the grower or producer thereof, to the cost of production and to the rate of profit usually earned by him in respect of similar goods before the issue of the Proclamation of Emergency in force at the date of these regulations, and to whether that rate of profit was unreasonable or excessive, and to any other circumstances of the case :
- (b) If the goods are supplied or transferred by any person other than the grower or producer thereof, to the price paid by that person for the goods, and to whether that price was unreasonable or excessive, and to the rate of profit usually earned in respect of the sale of similar goods before the issue of the said Proclamation of Emergency, and to whether that rate of profit was unreasonable or excessive, and to any other circumstances of the case ; so, however, that if the person who supplies or transfers the goods himself acquired the goods otherwise than in the usual course of business, no allowance, or an allowance at a reduced rate, on account of profit shall be made :

Provided that where by virtue of any Act or regulations or of any order made thereunder the sale of the goods at a price above any specified price is prohibited, the price assessed under this regulation shall not exceed the price so specified.

(3) If any question arises as to the amount to be paid to any person under this regulation and that person and the Minister or Controller are unable to agree thereon, the question shall be referred to one arbitrator if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by that person and one by the Minister or Controller, as the case may be, under the provisions of the Arbitration Act, 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any Court for the recovery of the amount claimed.

REGULATION 10.—OFFENCES.

(1) Every person who with intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or any Controller (whether in writing or otherwise) commits an offence against these regulations.

(2) Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, restriction, requirement, or condition given or imposed under these regulations commits an offence against these regulations.

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