

Serial Number 1940/121.



**THE SUPPLY CONTROL EMERGENCY REGULATIONS 1939,
AMENDMENT NO. 1.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 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.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Supply Control Emergency Regulations 1939, Amendment No. 1.

(2) These regulations shall be read together with and deemed part of the Supply Control Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) For the purposes of the principal regulations, unless the context otherwise requires, the term "industry" includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever.

REGULATION 2.—CONTROLLED INDUSTRIES.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, by notice declare that any industry is a controlled industry for the purposes of the principal regulations. Any such declaration may apply generally or may be limited to apply within any particular area.

(2) No person shall, while an industry is a controlled industry, commence to carry on business in that industry, or sell or transfer the control of any undertaking or of any part of an undertaking in that industry, unless he has the prior consent of the Minister.

* Statutory Regulations 1939, Serial number 1939/131, page 599.

(3) The Minister may from time to time, notwithstanding the provisions of any Act, require the proprietor of any undertaking which is being carried on, or which the Minister considers should be carried on, in a controlled industry to carry on the undertaking, or any part of the undertaking, in accordance with directions given by the Minister, and to keep such books, accounts, and other records relating thereto as may be directed by the Minister.

(4) Without prejudice to the generality of the last preceding clause, any such directions given thereunder may—

(a) Require the proprietor of the undertaking to employ upon such work and for such period as may be specified in the directions such persons or such class or description of persons or such number of persons or such number of persons of such class or description as may be so specified, not being persons who are stated by the Minister of National Service to be unavailable for such employment:

(b) Fix the price or remuneration to be paid for any goods produced or supplied, or services rendered, by the proprietor of the undertaking in accordance with the directions, whether or not that price or remuneration has previously been fixed or limited under any other enactment.

(5) No obligation or limitation imposed on the proprietor of the undertaking by or by virtue of any Act or other instrument determining his or its functions or powers shall prevent or excuse the proprietor from complying with any directions of the Minister.

(6) With a view to ascertaining whether any directions of the Minister with respect to any undertaking are complied with, any person authorized in that behalf by the Minister may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking, and may inspect any books, accounts, or other documents relating to the undertaking.

REGULATION 3.—CONTROLLED UNDERTAKINGS.

(1) The Minister may, if it appears to him to be necessary or expedient so to do for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, by notice declare that any undertaking is a controlled undertaking for the purposes of the principal regulations.

(2) The Minister may authorize any person or persons to carry on the whole or any part of a controlled undertaking in accordance with directions given by the Minister. Any such directions may fix the price or remuneration to be paid for any goods produced or supplied, or services rendered, by the undertaking while it is being so carried on, whether or not that price or remuneration has previously been fixed or limited under any other enactment.

(3) Any person or persons authorized by the Minister under the last preceding clause to carry on the whole or any part of an undertaking shall, while so doing, be deemed to be acting as the agent or agents of the proprietor of the undertaking, except that the proprietor shall not have any right to control the carrying-on of the undertaking or the part of the undertaking, as the case may be.

(4) While the whole or any part of an undertaking is being carried on by any person or persons authorized by the Minister so to do under clause (2) of this regulation, the proprietor of the undertaking shall not be bound or, as the case may be, shall not in respect of such matters as may be specified in any directions given by the Minister be bound by any obligation or limitation imposed on the proprietor by or by virtue of any Act or other instrument determining his or its functions or powers.

(5) Without prejudice to the generality of the foregoing provisions of this regulation, any person or persons authorized by the Minister under clause (2) of this regulation to carry on the whole or any part of an undertaking may dismiss any servants of the proprietor of the undertaking and may, in respect of any premises used or appropriated for the purposes of the undertaking, restrict the rights of any person or persons to have access thereto.

(6) Any person or persons authorized by the Minister under clause (2) of this regulation to carry on the whole or any part of an undertaking shall be entitled to receive remuneration, at a rate or rates to be fixed by the Minister, out of the funds of the undertaking.

REGULATION 4.—REQUISITION OR PURCHASE OF PROPERTY.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, take possession of, or requisition, any land, buildings, parts of buildings, or goods, and may give such directions as appear to him to be expedient in connection with the taking of possession of that land or of those buildings, parts of buildings, or goods.

(2) Where the Minister is in possession of, or requisitions, any property under this regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), as he thinks necessary or expedient for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, and may hold, and use, and, in the case of goods, sell or otherwise dispose of, the property as if he were the owner thereof and as if the property were free from any mortgage, pledge, lien, or other similar obligation.

(3) Any person who is the owner of any property or who has any mortgage, pledge, lien, or other security thereover or who has any other title thereto shall, if he suffers loss by the exercise in respect of that property of any of the powers conferred by this regulation, be entitled to compensation in respect of that loss out of moneys appropriated by Parliament for the purpose. The amount of the compensation shall be ascertained in the manner provided by Regulation 9 of the principal regulations.

(4) The Minister, if it appears to him to be necessary or expedient for the effectual exercise of his powers under clause (1) of this regulation so to do, may, by notice given as respects the whole of New Zealand

or any part thereof, require all persons in the area to which the notice applies who, on such date as may be specified in the notice, have or had in their possession or control or on order by them such goods as may be described in the notice to furnish to the Minister or to a Controller or to such other person as may be specified in the notice, such information and particulars in relation to the goods at such time and in such form and manner as may be directed by the notice, and may direct that no person shall remove any such goods or cause or permit them to be removed until such date as may be specified in the notice or until the removal of the goods is permitted by the Minister or by a Controller or by such other person as may be specified in the notice.

(5) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon any Controller by the principal regulations, authorize the purchase of any goods and the sale or other disposition of any goods so purchased.

(6) For the purposes of this regulation the term "goods" includes all chattels personal other than money or things in action, and also includes machinery, notwithstanding that it may be attached to any land or building.

REGULATION 5.—CONTRACTS.

(1) Where the failure, whether before or after the commencement of these regulations, to fulfil any contract has been directly or indirectly due to compliance on the part of any person with any of the provisions of the principal regulations or with any direction, restriction, requirement, or condition given or imposed thereunder, or has been directly or indirectly due to the exercise by the Minister or by any Controller of any of the powers or functions conferred by the principal regulations, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(2) This regulation shall apply with respect to all contracts whether made before or after the commencement of these regulations.

REGULATION 6.—ADVISORY BODIES.

(1) The Minister may appoint an Advisory Council, to be known as the Supply Advisory Council, consisting of such persons as the Minister thinks fit.

(2) The function of the Supply Advisory Council shall be to advise the Minister as to any matters referred to it by him relating to the administration of the principal regulations or affecting production or supply.

(3) At any meeting of the Supply Advisory Council at which the Minister is present he shall act as chairman, and at all other meetings the chairman shall be a person nominated by the Minister.

(4) The Minister may also, if he thinks it expedient so to do, from time to time appoint an advisory committee in relation to any particular industry or part of an industry, whether within a particular area or not, or in relation to any particular undertaking or undertakings. The Minister may define the functions of any such advisory

committee, and those functions may include the formulation of plans or proposals for the organization of the industry, part of the industry, undertaking, or undertakings, as the case may be, with a view to securing the more efficient working thereof.

(5) The Supply Advisory Council and all advisory committees appointed under this regulation shall hold office during the pleasure of the Minister and shall be subject in all things to the control of the Minister.

(6) There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Supply Advisory Council and of every advisory committee appointed under this regulation, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances, and such travelling expenses and allowances as may from time to time be directed or approved by the Minister of Finance, either generally or in respect of any particular person or class of persons.

REGULATION 7.—OFFENCES.

Regulation 10 of the principal regulations is hereby amended by adding the following clauses :—

“(3) Every person who obstructs any person in the exercise or in the attempted exercise of any right or power conferred under these regulations commits an offence against these regulations.

“(4) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment in the case of an individual, or to a fine not exceeding £1,000 in the case of a company or other corporation.”

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

Issued under the authority of the Regulations Act, 1936.

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These regulations are administered in the Department of Industries and Commerce, Tourist and Publicity.