

Serial Number 1943/138



**THE SERVICEMEN'S POWERS OF ATTORNEY EMERGENCY
REGULATIONS 1943**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 31st day of
August, 1943

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. (1) These regulations may be cited as the Servicemen's Powers of Attorney Emergency Regulations 1943.

(2) These regulations shall come into force on the eighth day after the date of the notification thereof in the *Gazette*.

2. Notwithstanding any enactment or rule of law to the contrary, a power of attorney given by a member of any of His Majesty's Naval, Military, or Air Forces who at the time of the execution thereof, whether before or after the commencement of these regulations, is under the age of twenty-one years shall while he is outside New Zealand in the course of his duties be as valid and binding in all respects as if he had attained the age of twenty-one years before the execution of the power :

Provided that—

(a) The holder of any such power of attorney as aforesaid which has been executed before the commencement of these regulations shall make and attach to the power a statutory declaration to the effect that the power was executed by a person who was, at the time of the execution, under the age of twenty-one years and a member of one of the said Forces ; and

(b) Any such power of attorney as aforesaid which is executed after the commencement of these regulations shall contain a statement that it is executed by a member of one of the said Forces who is under the age of twenty-one years.

3. (1) A declaration by the holder of any power of attorney to the effect that the giver of the power was at the time of the execution thereof a member of one of His Majesty's Forces and under the age of twenty-one years and that he is, at the time of making the declaration, outside New Zealand in the course of his duties, may be embodied in the usual form of statutory declaration of non-revocation made by an attorney, and the declaration shall be taken as conclusive proof of those facts in favour of any person dealing with the holder of the power in good faith.

(2) Regulation 6 of the Stamp Duties Emergency Regulations 1939* (as enacted by Regulation 3 of the Stamp Duties Emergency Regulations 1939, Amendment No. 3†) shall not cease to apply to any such declaration of non-revocation by reason only that the declaration embodies the further matters referred to in this regulation.

4. Notwithstanding anything to the contrary in the Stamp Duties Act, 1923, no stamp duty shall be payable on any statutory declaration made as required by paragraph (a) of the proviso to Regulation 2 hereof.

5. Any power of attorney to which these regulations apply may be revoked by the giver at any time in the same manner and to the same effect as if he had attained the age of twenty-one years.

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

* Statutory Regulations 1939, Serial number 1939/263, page 1031.

† Statutory Regulations 1941, Serial number 1941/232, page 774.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 2nd day of September, 1943.