

Serial Number 1939/276.



THE SOLDIERS' WILLS EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 20th day of
December, 1939.

Present :

THE HON. W. NASH 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 Soldiers' Wills Emergency Regulations 1939.

2. These regulations shall apply with respect to wills made at any time after the 2nd day of September, 1939, whether made before or after the commencement of these regulations, and whether the testators have already died or die at any time hereafter.

3. Notwithstanding anything to the contrary in section 7 of the Wills Act, 1837 (Imperial), or in section 171 of the Native Land Act, 1931, no will made by any member of any of His Majesty's Naval, Military, or Air Forces during any war in which His Majesty the King may now or at any time hereafter be engaged shall be deemed to be invalid by reason of the testator's being under the age of twenty-one years at the time of the making of the will.

4. Notwithstanding anything to the contrary in subsection (3) of section 34 of the War Legislation Amendment Act, 1916, nothing in section 11 of the Wills Act, 1837 (Imperial), shall apply with respect to any Native within the meaning of the Native Land Act, 1931.

5. For the purposes of these regulations and for the purposes of section 11 of the Wills Act, 1837 (Imperial), as extended and explained by section 34 of the War Legislation Amendment Act, 1916, and section 23 of the War Legislation and Statute Law Amendment Act, 1918, the expression "soldier" shall be deemed to include, and at all times since the 2nd day of September, 1939, to have included, a member of any of His Majesty's Air Forces.

6. Without limiting the application of section 11 of the Wills Act, 1837 (Imperial), it is hereby declared that every soldier—

(a) Who is a member of any of His Majesty's Forces raised in New Zealand; or

(b) Who has become a soldier in New Zealand (whether before or after the commencement of these regulations),—

shall be deemed to be and to have been, at all times while outside New Zealand during any war in which His Majesty may now or at any time hereafter be engaged, a soldier in actual military service within the meaning of that section.

7. Section 11 of the Wills Act, 1837 (Imperial), shall be deemed to extend, and at all times since the 2nd day of September, 1939, to have extended, to any member of His Majesty's Naval or Marine Forces not only when he is at sea, but also when he is so circumstanced that if he were a soldier he would be in actual military service within the meaning of that section.

8. Every will made by a mariner or seaman which by virtue of section 11 of the Wills Act, 1837 (Imperial), is sufficient to dispose of personal estate shall be sufficient to dispose of real estate also.

9. Every will which by virtue of section 11 of the Wills Act, 1837 (Imperial), is sufficient to dispose of property shall be sufficient to appoint any person as guardian of the infant children of the testator.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 21st day of December, 1939.
These regulations are administered by the Public Trust Office.