

Serial Number 1939/148.



THE TIMBER 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, and pursuant to section 47 of the Customs Act, 1913, 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 Timber Emergency Regulations 1939.

(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) In these regulations, unless inconsistent with the context,—

“Controller” means the Timber Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the Controller’s powers or functions:

“Proprietor” means any person engaged in the manufacture, seasoning, or sale of timber or manufactured timber products; and includes the owner of any sawmill, planing-mill, sash and door factory, box-factory, or other timber-products factory, and any person acting or apparently acting in the general management or control of any such mill or factory:

“Timber” includes trees when they have fallen or have been felled, and whether sawn, hewn, split, or otherwise fashioned:

“Manufactured timber products” includes all articles manufactured from wood:

“Forest” includes standing trees suitable for the production of timber:

“Timber materials” means any materials, or goods capable of being used in or for the purposes of the business of any proprietor; and includes timber and manufactured timber products; and also includes any tools, machinery, plant, or equipment capable of being used in or for the purposes of any such business; and also includes any patent rights relating to any timber materials:

“Owner” in relation to any timber materials, includes any person having the timber materials in his possession or control or on order by him.

REGULATION 2.—TIMBER CONTROLLER.

(1) The Minister may from time to time appoint a Controller, to be known as “the Timber Controller.”

(2) The Controller shall hold office during the pleasure of the Minister.

(3) The Controller shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to him by the Minister.

(4) The general functions of the Controller shall be to exercise control over the manufacture and distribution of timber and manufactured timber products in the public interest, and for that purpose to determine the precedence and order of emergency of such manufacture and distribution and to exercise control over the supply of materials and spare parts which proprietors may require.

REGULATION 3.—CONTROL OF FORESTS.

(1) Except with the precedent consent of the Controller, no person shall—

- (a) Sell or contract for the sale of any forest; or
- (b) Purchase or contract for the purchase of any forest; or
- (c) Grant or contract to grant a lease or demise of any forest; or
- (d) Accept or contract to accept a lease or demise of any forest; or
- (e) Grant or contract to grant any *profit à prendre* or license to fell standing timber; or
- (f) Accept or contract to accept any *profit à prendre* or license to fell standing timber.

(2) The provisions of the last preceding clause shall not apply to any dealing with land, including forest, unless the land is covered with standing trees to such an extent as not to be immediately and substantially available for agricultural or grazing purposes, nor to any demise or lease of land including forest or any contract therefor under which the lessee is not permitted to fell standing timber except for use or consumption on the premises.

(3) The Controller may, by notice in writing to any person, direct that person to sell his estate and interest, or any specified portion of his estate or interest, in any forest to such proprietors as the Controller may nominate, the price and payment to be settled by arbitration as provided by the provisions of the principal regulations relating to payment for supplies and services, and all other terms of sale to be such as the Controller may deem equitable.

(4) The Controller may, by notice in writing to any person entitled to cut or engaged in the cutting of any forest, direct that he refrain from or cease the cutting thereof either wholly or in part.

REGULATION 4.—REGULATION AND CONTROL OF TIMBER-WORKS.

(1) The Controller may at any time, by notice to any proprietor, direct that the proprietor cease, restrict, or increase his production, either generally or in respect of any particular products or class of products, or that the proprietor produce products of such kinds, descriptions, types, sizes, quantities, and qualities, and in such order of urgency as may be specified in the notice.

(2) Where a notice has been given under this regulation in respect of any business, mill, or factory, no person shall, except with the precedent consent of the Controller, do any work in or about the business, mill, or factory in contravention of the terms of the notice, or cause or permit any other person so to do.

REGULATION 5.—CONTROL OF TIMBER MATERIALS.

(1) The Controller may from time to time regulate, restrict, and control the operation of sawmills, planing-mills, sash and door factories, box-factories, and other timber-products factories, and the use, sale, supply, distribution, and disposal of timber materials. The powers conferred by this regulation may be exercised either generally or in respect of any specified area, industry, or class of industries, mill, or factory or class of mills or factories, timber or class of timber, product or class of products, or person or class of persons.

(2) Without limiting the general powers conferred on the Controller by this regulation, it is hereby declared that they shall be deemed to include power to do all or any of the following things:—

- (a) To require or direct proprietors and owners of timber materials to furnish such information and particulars in relation thereto at such time and in such form and manner as the Controller thinks fit:
- (b) To require or direct owners of timber materials to supply or transfer the whole or any part thereof to His Majesty the King or to any other person, in such quantities, at such places, at such times or intervals, in such order of urgency, and generally in such manner as the Controller thinks fit:
- (c) To require or direct proprietors and owners of timber materials not to use, dispose of, part with the possession or control of, or otherwise deal with timber materials except with the precedent consent of the Controller or in accordance with his directions, and in the meantime to take such measures to ensure the safety and preservation thereof as the Controller thinks fit.

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