



**THE TIMBER EMERGENCY REGULATIONS 1939,  
AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 30th day of  
June, 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. These regulations may be cited as the Timber Emergency Regulations 1939, Amendment No. 1, and shall be read together with and deemed part of the Timber Emergency Regulations 1939\* (hereinafter referred to as the principal regulations).

2. Regulation 3 of the principal regulations is hereby amended by adding thereto the following clauses:—

“(5) The Controller may, by notice in writing to any person, require that person to grant an easement over such parts of his land, of such a nature, and 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 to be such as the Controller may deem equitable. The Controller may also, by notice in writing to any person who has an easement of a like nature over any of the same land, require that person to join in the grant of easement aforesaid, any price and payment to be paid or made to him to be settled by arbitration in the manner aforesaid, and all other special terms to be such as the Controller may deem equitable. Nothing in any Act, Order in Council, deed, or other document whatsoever relating to any easement shall prevent or excuse any person from complying with any requirement of the Controller under this clause.

“(6) In any case where the Controller desires to give a notice under clause (3) or clause (5) of this regulation with respect to forest that is situated on Native land within the meaning of the Native Land Act, 1931, or with respect to Native land, and any person to whom the Controller desires to give the notice is a Native within the meaning of that Act, the notice shall be sufficient if addressed to the owner or owners of the land described in the notice, without naming any owner or owners, and if given to the Maori Land Board for the Maori Land District in which the land is situated on behalf of the owner or owners.

“(7) On receiving any notice given to it pursuant to clause (6) of this regulation the Maori Land Board shall take such steps as it thinks desirable or expedient to advise the owners of the giving of the

\* Statutory Regulations 1939, Serial number 1939/148, page 670.

notice. If within twenty-one days after the Controller has given the notice the owner or any of the owners serves notice of objection on the Controller the Controller shall consider the objection and he may withdraw the notice. If the Controller is of opinion that the transaction should proceed or if no notice of objection is served on him, the Controller may execute in his own name as agent for and on behalf of the owners such instruments, which shall be subject to confirmation by the Native Land Court, as may be necessary to comply with the requirements of the notice given by him, and the Controller shall, notwithstanding anything in clause (3) or clause (5) of this regulation, fix the price or payment to be paid or made under the instruments. Any instrument executed by the Controller under this clause shall, on confirmation, have the same force and effect and may be registered in the same manner as if lawfully executed by all of the owners or their trustees and as if those owners or trustees had been fully competent in that behalf.

“(8) Notwithstanding anything in the Native Land Act, 1931, any application for the confirmation of any alienation of an interest in Native land granted pursuant to any notice under this regulation, whether the instrument of alienation is executed by the Controller under clause (7) of this regulation or not, shall be granted by the Native Land Court as a matter of right :

“Provided that the Court may in its discretion make such adjustments of the price or payment to be paid or made as it thinks fit :

“Provided also that nothing in this clause shall be deemed to derogate from the powers of the Court under section 281 of the Native Land Act, 1931.

“(9) In any case where the Controller has given a notice under clause (3) of this regulation he may, at the expiration of twenty-one days from the giving of the notice, authorize the proprietors referred to in the notice forthwith to enter any land and to cut and remove timber in the same manner and to the same extent as if the person to whom the notice has been given had complied therewith. In any case where the Controller has given a notice under clause (5) of this regulation he may, at the expiration of twenty-one days from the giving of the notice, authorize the proprietors referred to in the notice forthwith to enter any land and do such things as they would be entitled to do if the person to whom the notice has been given had complied therewith.”

3. Regulation 5 of the principal regulations is hereby amended by adding thereto the following clause :—

“(3) The Controller may require or direct any person who operates or controls any tramway, whether a tramway within the meaning of the Tramways Act, 1908, or not, to undertake the transport of timber materials by means of the tramway, upon such terms and conditions as to payment or otherwise as the Controller may deem equitable. Nothing in any Act, Order in Council, deed, or other instrument whatsoever affecting the tramway or authorizing the making or operation thereof shall prevent or excuse any person from complying with any requirement or direction of the Controller under this clause.”

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 1st day of July, 1943.

These regulations are administered in the office of the Timber Controller, State Forest Service.