



THE
NEW ZEALAND GAZETTE
EXTRAORDINARY.

Published by Authority.

WELLINGTON, TUESDAY, MAY 2, 1916.

Additional Regulations under the War Regulations Act, 1914.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this second day of May,
1916.

Present:

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN
COUNCIL.

I, ARTHUR WILLIAM DE BRITO SAVILE, Earl of Liverpool, the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby, in pursuance of the War Regulations Act, 1914, and of all other powers and authorities enabling me in that behalf, make the following additional regulations under that Act.

REGULATIONS.

ALIEN ENEMIES ENGAGED IN FOREIGN TRADE.

1. (1.) No alien enemy, other than one who is also a British subject, shall be engaged in foreign trade.

(2.) Every person shall be deemed for the purposes of this regulation to be engaged in foreign trade who, whether as principal or agent, imports, or procures the importation of, or is in any manner concerned in the importation of goods into New Zealand from any other country, whether within the British dominions or not, or exports, or procures the exportation of, or is in any manner concerned in the exportation of goods from New Zealand to any other country, whether within the British dominions or not.

(3.) Without in any way limiting the generality of the foregoing provisions, every person shall for the purposes of this regulation be deemed to be engaged in foreign trade who acts as the agent of any person, firm, or company, whether in New Zealand or elsewhere, in respect of the purchase or sale of goods to be imported into or exported from New Zealand by or on behalf of the purchaser or seller, or in respect of the purchase or sale of goods consigned to or from New

Zealand for sale, or in respect of the solicitation, receipt, making, acceptance, or transmission of offers for any such purchase, sale, or consignment.

(4.) The Attorney-General may, by notice in the *Gazette*, extend the provisions of this regulation to any specified alien enemy notwithstanding that he is a British subject, and on and after the day named in that behalf in such notice this regulation shall extend and apply to the alien enemy so specified in the same manner as if he was not a British subject.

(5.) No person shall be engaged in foreign trade who is carrying on business in partnership with any alien enemy who is himself prohibited by or under this regulation from being engaged in foreign trade.

(6.) Nothing in this regulation shall prevent the importation or exportation by any person of goods for his own use unconnected with any business carried on by him.

(7.) Nothing in this regulation shall prevent the importation of goods which have already left the country of exportation before the date of coming into operation of these regulations, or the completion (with the license of the Attorney-General) of any contract entered into before that date.

2. (1.) When any alien enemy who has theretofore been engaged in foreign trade within the meaning of the last preceding regulation has become, by reason of that regulation or of any notice issued by the Attorney-General thereunder, unable lawfully to continue to be so engaged, it shall not be lawful for any other person, firm, or company at any time thereafter to carry on any business as the successor of that alien enemy.

(2.) Any person, firm, or company shall be deemed for the purposes of this regulation to carry on business as the successor of an alien enemy if that person, firm, or company—

- (a.) Purchases or otherwise acquires the business or any part of the business of the alien enemy; or
- (b.) Carries on business under any name, style, description, or representation which in any manner indicates or may be supposed to indicate that the business is that of the alien enemy, or is in any way connected therewith by succession, amalgamation, or otherwise; or
- (c.) Enters into any agreement, arrangement, or understanding with the alien enemy by which the benefit of the goodwill of his business or any part thereof may directly or indirectly pass to or be acquired by such person, firm, or company, or by which such person, firm, or company may be enabled to continue that business or any part thereof.

ENEMY SHAREHOLDERS.

3. (1.) In this regulation—

“New Zealand company” means any body corporate which has a capital divided into shares and is incorporated in New Zealand:

“Enemy company” means a body corporate which is incorporated in enemy territory, or in or over which any enemy or any other enemy company or any alien enemy (other than one who is also a natural-born British subject) possesses or exercises any substantial interest or control:

“Enemy” means any person or body corporate with whom or with which trading is prohibited under the Trading with the Enemy Act, 1914, or its amendments, or the War Regulations.

(2.) If the Attorney-General is satisfied that any share in a New Zealand company belongs, or at any time since the commencement of the present war with Germany has belonged, in law or in equity, to an enemy, or to an enemy company, or to an alien enemy other than a natural-born British subject, or that any enemy or any enemy company or any such alien enemy possesses, or at any time since the commencement of the present war with Germany has possessed, any interest, whether legal or equitable, in any such share or in the income thereof or in the proceeds of the sale thereof, the Attorney-General may, by an order signed by him and published in the *Gazette*, order and declare that such share shall be vested in the Custodian of Enemy Property.

4. On the gazetting of any such order all shares to which it relates shall thereupon vest at law in the Public Trustee, as the Custodian of

Enemy Property, in trust to sell the same and to hold the same and the income thereof and the proceeds of the sale thereof in trust for all persons having any interest in such shares, income, or proceeds in accordance with their respective interests; save and except that where the shares were vested in any trustee with power of sale the Public Trustee shall hold the same, and the proceeds and income thereof, in trust for such trustee, without prejudice, however, to all trusts and equities affecting the same in the hands of the trustee.

5. (1.) Every such New Zealand company, any shares in which are so vested in the Custodian of Enemy Property, shall forthwith, on the request of the Custodian, register the Public Trustee, in his capacity as Custodian of Enemy Property, as the owner of those shares, whether they are registered in New Zealand or in any other register of the company elsewhere.

(2.) Nothing in the regulations or constitution of any such company shall in any manner take away or restrict the obligation of the company so to register the Public Trustee as the owner of the shares.

(3.) If any such New Zealand company makes default in so registering the Public Trustee as the owner of any shares, each director, manager, or secretary of that company shall be guilty of an offence against the War Regulations, and the company may be declared by the Attorney-General to be an enemy in the same manner and with the same consequences as if such declaration had been made under clause 20 of the War Regulations of the 3rd day of April, 1916.

6. It shall be the duty of the Custodian of Enemy Property, as soon as reasonably practicable after the vesting in him of any such shares, to sell the same in such manner as he thinks fit; and on his executing a transfer thereof, in such form and manner as he thinks fit, to the purchaser, and requesting registration of the transfer, it shall be the duty of the company, notwithstanding anything to the contrary in the regulations or constitution of the company, to register the purchaser as the owner of the shares so transferred.

7. (1.) The proceeds of any such sale of shares by the Custodian of Enemy Property shall be disposed of in accordance with the trusts affecting the same in his hands, save that no moneys shall be paid by him to an enemy.

(2.) All moneys for the time being unexpended by the Custodian shall be invested by him in accordance with the directions of the Minister of Finance; and in default of such directions, then in the common fund of the Public Trust Office, but so far as owing to an enemy such moneys shall bear no interest.

8. The Custodian of Enemy Property shall pay out of the proceeds or income of any shares so vested in him all calls becoming payable on those shares, but shall not be otherwise liable for such calls.

9. So long as the Custodian of Enemy Property acts in good faith in the execution of the powers, duties, and trusts conferred or imposed upon him under these regulations, or under any other War Regulations, he shall be under no civil liability to any person whatever for any error, act, or default.

ENEMY COMPANIES IN NEW ZEALAND.

10. (1.) If the Attorney-General is satisfied, with respect to any company incorporated in New Zealand, that any enemy, or any enemy company, or any alien enemy (other than one who is also a natural-born British subject) possesses or exercises any substantial interest or control in or over that company, the Attorney-General may by notice in the *Gazette* declare such first-mentioned company to be an enemy.

(2.) Any such declaration may be at any time in like manner revoked.

(3.) Every such declaration shall have with respect to the company so declared to be an enemy the same effect as if the company had been declared to be an enemy under clause 20 of the War Regulations of the 3rd day of April, 1916.

(4.) The terms "enemy" and "enemy company" have the same meaning as in clause 3 of the present regulations.

RETURN OF FOREIGN CORRESPONDENTS.

11. (1.) Every person, firm, or company carrying on business in New Zealand in respect of the purchase, sale, exportation, or importation of goods, and having any foreign correspondent or having

had since the commencement of the present war with Germany any foreign correspondent in respect of that business or any part thereof, shall before the 14th day of May, 1916, make and deliver to the Attorney-General a return in writing of the name and place of business of every such foreign correspondent.

(2.) "Correspondent" means any person, firm, or company between whom and the person, firm, or company making the return there exists or has existed the relation of principal and agent or of vendor and purchaser in respect of the purchase, sale, importation, or exportation of goods.

(3.) "Foreign correspondent" means any correspondent having a head office or chief place of business elsewhere than in the United Kingdom or a British possession or British protectorate or territory in the military occupation of His Majesty.

(4.) Every such return shall specify the nature of the business of the foreign correspondent, and every place in which to the knowledge or belief of the person, firm, or company making the return the foreign correspondent has any office, factory, warehouse, branch, or other place of business.

(5.) Failure to make any such return within the time aforesaid, or making any return which is knowingly incomplete or misleading, shall be an offence against the War Regulations on the part of every person concerned in the management of the business in respect of which the return is or ought to have been made.

MISCELLANEOUS.

12. For the purposes of these regulations and of all other War Regulations, the term "alien enemy" includes the wife of an alien enemy.

13. The term "enemy" as used in the War Regulations of the 7th day of June, 1915, means any person, firm, or company from whom or from which the purchase of goods is prohibited under the Trading with the Enemy Act, 1914, or the War Regulations.

14. In all prosecutions for any breach of the War Regulations in which the liability of the accused depends on his being an alien enemy he shall be presumed to be an alien enemy unless he produces sufficient evidence to the contrary.

15. These regulations shall be read together with and deemed part of the War Regulations of the 10th day of November, 1914.

J. F. ANDREWS,
Clerk of the Executive Council.

NOTE.—The returns of foreign correspondents required by the foregoing regulations are not intended for publication, but will be treated as strictly confidential, save so far as the disclosure of any information so received may become necessary in the course of legal proceedings in any Court of Justice.