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WELLINGTON, TUESDAY, AUGUST 27, 1918

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*War Regulations for the Protection of Soldiers' Businesses.*

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-seventh day of August, 1918.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section thirty-five of the War Legislation Act, 1917, it is enacted that the Governor-General in Council may, by regulations under the War Regulations Act, 1914, make such provisions as, having regard to the exigencies of the present war or the conditions created thereby, he thinks advisable for the maintenance, control, regulation, and management of any industry, business, or undertaking that may be regarded by the Governor-General as essential for or affecting the public welfare :

And whereas in the opinion of the Governor-General in Council the businesses of soldiers engaged in military service during the present war are essential for or affect the public welfare, and it is expedient accordingly, having regard to the exigencies of the present war and the conditions created thereby, to make further provisions for the maintenance and management of such businesses :

And whereas by section twenty-five of the Finance Act, 1918, it is enacted that the Governor-General in Council may, by regulations under the War Regulations Act, 1914, make such provisions as, having regard to the exigencies of the present war or the conditions created thereby, he thinks advisable for prohibiting or restricting any service, employment, occupation, business, work, or industry :

And whereas in the opinion of the Governor-General in Council, having regard to the exigencies of the present war and the conditions created thereby, it is expedient to make provision accordingly for the prohibition or restriction in manner hereinafter appearing of businesses which compete with those of soldiers, and the unrestricted establishment or continuance of which may injure or destroy the businesses of soldiers :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority so conferred upon him by the aforesaid Acts, doth hereby make the following regulations under the War Regulations Act, 1914.

REGULATIONS.

1. THESE regulations may be cited as the Soldiers' Businesses Regulations, 1918.
2. In these regulations—
  - "National Efficiency Board" means the National Efficiency Board constituted by the Governor-General by Warrant dated the 27th day of February, 1917:
  - "Board of Trustees" means a Soldiers' Property Board of Trustees constituted under the Soldiers' Property Regulations, 1917, made under the War Regulations Act, 1914, on the 2nd day of April, 1917:
  - "Soldier" means a member of an Expeditionary Force constituted under the Expeditionary Forces Act, 1915:
  - "Business" means any business, trade, profession, manufacture, industry, or undertaking other than employment in the service of an employer.
3. (1.) Every reference in these regulations to a Board of Trustees shall, in respect of the business of any soldier, be construed as a reference to—
  - (a.) A Board of Trustees having any powers of management or disposition of that business under a power of attorney executed in pursuance of the Soldiers' Property Regulations, 1917; or
  - (b.) A Board of Trustees, authorized by a power of attorney executed by that soldier or by an attorney of that soldier, having any powers of management or disposition of his business, to exercise on behalf of that soldier the powers conferred by these present regulations.
- (2.) All the provisions of the Soldiers' Property Regulations, 1917, relative to powers of attorney shall, so far as applicable, apply to a power of attorney granted to a Board of Trustees under paragraph (b) of this regulation.
- (3.) A soldier's business in respect of which a Board of Trustees holds any such power of attorney as aforesaid is in these regulations referred to as a protected business.
4. For the purposes of these regulations the concurrent action of any three or more members of the National Efficiency Board, whether at a meeting of the Board or otherwise, shall be deemed to be the action of the Board.
5. (1.) When the National Efficiency Board is satisfied that any person is carrying on or is about to carry on any business which will compete with the protected business of a soldier, and which will be rendered more profitable by the destruction or diminution of that protected business through the absence of that soldier on military service, the National Efficiency Board may give to the person by whom such first-mentioned business is or is about to be carried on a notice that such business is not to be carried on except under a license to be granted by the National Efficiency Board under these regulations.
- (2.) Without precluding any other method of giving such notice, any such notice may be given by leaving it at the place of business or at any place of business of the person to whom it is to be given, addressed to that person either by name or by any name under which that business is carried on.
- (3.) Every business in respect of which any such notice has been given and remains in force is hereinafter referred to as a restricted business.
6. (1.) Any such notice may relate either to the whole of the business of the person to whom it is given or to any part thereof specified in the notice, and distinguished by reference to its nature or to the locality in which it is carried on.
- (2.) When any such notice is in force with respect to part of a business only, such part shall be deemed to be in itself a separate restricted business, and all the provisions of these regulations shall be construed and shall apply accordingly.
7. Any such notice may at any time be revoked by the National Efficiency Board.
8. So long as any such notice remains in force it shall not be lawful, at any time later than twenty-one clear days after the day on which the notice was given, to carry on the restricted business save under a

license issued in that behalf by the National Efficiency Board, and in accordance with the terms and conditions of that license; and every person who carries on, or is knowingly concerned in carrying on, any business in breach of this regulation shall be guilty of an offence, and shall be liable under the War Regulations Act, 1914, accordingly.

9. A license granted as aforesaid may be granted on such terms and conditions as the National Efficiency Board thinks necessary for the maintenance of the protected business or for the control in the public interest of the restricted business.

10. In particular, and without in any manner restricting the generality of the last preceding clause, any such license may be granted on the condition that the licensee shall enter into a deed of agreement with the Board of Trustees of the protected business, acting in the name and on behalf of the soldier, to make to that Board on behalf of the soldier such payments as may be estimated by the National Efficiency Board to be equivalent to the additional profits to be derived by the restricted business from the cessation or diminution of the protected business through the absence of the soldier on military service.

11. The amount and terms of the payments to be so made shall be set out in the agreement with the Board of Trustees, and such payments may be estimated either as fixed sums or as defined proportions of the profits of the restricted business, or in such other manner as the National Efficiency Board thinks just and practicable in the particular case.

12. All payments so agreed upon shall constitute a debt recoverable from the licensee by the Board of Trustees in the name and on behalf of the soldier.

13. All moneys so received by the Board of Trustees shall be deemed to represent profits derived by that Board from the management of the protected business, and shall be disposed of by the Board of Trustees for and on behalf of the soldier accordingly.

14. A license granted by the National Efficiency Board under the foregoing provisions may be at any time revoked by that Board by notice given to the licensee in the manner hereinbefore provided with respect to notices, and such revocation shall take effect on the fourteenth day after notice of revocation has been so given.

15. Any such license may be at any time surrendered by the licensee by notice given to the National Efficiency Board.

16. When any license has been so revoked or surrendered, or when the business in respect of which the license has been issued ceases to be a restricted business, every agreement entered into between the licensee and the Board of Trustees as a condition of the grant of that license shall thereupon determine and cease to be in force; save that no such determination shall release the licensee from his obligation to make any payments already payable under that agreement, together with an apportioned part of any payment then accruing due.

17. After any such revocation or surrender has taken effect it shall not be lawful for any person, so long as the business in respect of which the license was issued remains a restricted business, to carry on that business save under and in pursuance of a new license granted by the National Efficiency Board on such terms and conditions as the Board, in accordance with the foregoing provisions as to licenses, thinks fit to impose; and every person who carries on, or is knowingly concerned in carrying on, such business in breach of this regulation shall be guilty of an offence, and shall be liable under the War Regulations Act, 1914, accordingly.

18. Every agreement so entered into with a Board of Trustees shall, unless sooner determined under these regulations, remain in force so long as the business of the licensee remains a restricted business.

19. A restricted business shall remain so restricted notwithstanding the death of the soldier by whom the protected business was carried on, but it shall cease to be a restricted business so soon as that soldier has been discharged from the Expeditionary Force.

20. When a business is carried on by a soldier in partnership with any other person, the business shall, for the purposes of clause 3 of these regulations, be deemed, in respect and to the extent of the share of the soldier therein, to be a separate business carried on by him, and may become a protected business accordingly; and in such case the business may, in respect and to the extent of the interests of the other partner or partners therein, become a restricted business under these regulations.

21. When a business is carried on by a private company within the meaning of the Companies Act, 1908, and one of the shareholders is a soldier, the business shall, for the purposes of clause 3 of these regulations, be deemed, in respect and to the extent of the share of the soldier in that company, to be a separate business carried on by him, and may become a protected business accordingly; and in such case the business

of the company may, in respect and to the extent of the interests of the other shareholders therein, become a restricted business under these regulations.

22. Every business carried on by any person as the successor or assignee of a person carrying on a restricted business shall itself be deemed to be a restricted business, and it shall be unlawful to carry on any such business save under and in pursuance of a license granted by the National Efficiency Board under the foregoing regulations, and all the provisions of these regulations shall apply accordingly.

23. (1.) Every person who carries on or is concerned in the carrying-on of a restricted business shall at all times give to the National Efficiency Board all such information as may be demanded by that Board relative to the nature, scope, conduct, and profits of that business, and as to all other matters as to which the Board desires information for the purposes of the administration of these regulations.

(2.) Every person who fails or refuses to give any such information as aforesaid, or who gives to the Board any false information on any such matters as aforesaid, or who in any manner deceives the Board in the exercise of its powers under these regulations, shall be guilty of an offence, and shall be liable under the War Regulations Act, 1914, accordingly.

24. (1.) Without the permission of the National Efficiency Board it shall not be lawful for any person to establish or carry on any new business as a retail shopkeeper, merchant, importer, exporter, commission agent, indent agent, accountant, auditor, land agent, manufacturer, solicitor, medical practitioner, or dentist.

(2.) Such permission may be granted by the Board with such restrictions as to the locality or manner in which the business shall be carried on as the Board thinks necessary in the public interest.

(3.) Any extension or alteration of an old business, whether in respect of the locality in which it is carried on or in respect of its scope or nature, shall be deemed to be the establishment or carrying-on of a new business within the meaning of this regulation.

(4.) Every person who establishes or carries on or is knowingly concerned in the establishment or carrying-on of a new business without the permission of the Board, or otherwise than in accordance with any restrictions so imposed by the Board, shall be guilty of an offence, and shall be liable under the War Regulations Act, 1914, accordingly.

(5.) The fact that a business has been established with the permission of the Board under this regulation shall in no manner take away or affect with respect to that business the powers hereinbefore conferred on the Board with respect to protected and restricted businesses.

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