



THE
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EXTRAORDINARY.

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Military Defaulters List.—Regulations as to Appeals.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this fourteenth day of January, 1919.

Present:

THE HONOURABLE SIR JAMES ALLEN, K.C.B., PRESIDING IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, in exercise of the authority conferred on him by section eleven of the Expeditionary Forces Amendment Act, 1918, and acting by and with the advice and consent of the Executive Council of that Dominion, doth hereby make the following regulations as to appeals by persons whose names are entered in the Military Defaulters List constituted by that Act.

REGULATIONS.

1. EVERY appeal under section 11 of the Expeditionary Forces Amendment Act, 1918, shall be instituted by sending to the Minister of Defence at Wellington by registered letter a notice of appeal in the form in the Schedule hereto signed by the appellant or by a solicitor on his behalf.

2. Every such notice of appeal shall be posted within three months after the day of the publication of the Military Defaulters List in the *Gazette*, or in the case of an appellant whose name is subsequently added to that list, then within three months after the publication of such addition in the *Gazette*.

3. On the receipt of any such notice of appeal the Minister of Defence shall refer the appeal to such Stipendiary Magistrate as may, in the opinion of the Minister, most conveniently hear and determine the appeal.

4. The Minister of Defence may at any time transfer any such appeal from the Magistrate to whom it has been referred to any other Magistrate.

5. The Magistrate to whom any such appeal is referred shall have jurisdiction to hear and determine the same.

6. Due notice of the time and place of the hearing of any such appeal shall be given by the Magistrate to the appellant and to the Minister of Defence.

7. The Minister of Defence shall be the respondent in every such appeal, and shall be entitled to be heard by any solicitor or by any officer of the Defence Forces.

8. The appellant shall be entitled to be heard personally or by any solicitor.

9. On any such appeal the Magistrate may receive such evidence as he thinks fit, whether legally admissible in other proceedings or not.

10. Any notice in the matter of any such appeal may be given to the appellant either personally or by posting it to the address for service specified in the notice of appeal.

11. If an appellant makes default in appearing at the hearing of any such appeal, the Magistrate may either adjourn the hearing or dismiss the appeal.

12. The Magistrate shall certify in writing to the Minister of Defence his determination of any such appeal.

SCHEDULE.

MILITARY DEFAULTERS LIST.—NOTICE OF APPEAL.

To the Hon. the Minister of Defence, Wellington.

I, [*Full name, address, and description of appellant as appearing in the Military Defaulters List*], hereby appeal, under section 11 of the Expeditionary Forces Amendment Act, 1918, against the entry of my name in the Military Defaulters List.

The ground of my appeal is that [*Set out fully the nature of the error alleged*].

My address for service is [*State postal address to which communications relative to the appeal should be sent*].

Dated this day of , 191 .

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