



**NEW ZEALAND**

ANALYSIS

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1950, No. 6

Title.

AN ACT to Make Provision for the Raising of Military and Air Forces for Service During Any Emergency Arising out of the Obligations Undertaken by New Zealand in the Charter of the United Nations, and to Authorize the Making of Emergency Regulations in Relation Thereto.

[25th August, 1950

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Emergency Forces Act, 1950.

2. This Act shall continue in force until the end of the year nineteen hundred and fifty-one, and shall then expire.

Duration  
of Act.

## PART I

### ARMY

3. This Part of this Act shall be read together with and deemed part of the Defence Act, 1909 (hereinafter referred to as the principal Act).

This Part to  
be read with  
Defence Act,  
1909.

See Reprint  
of Statutes,  
Vol. II, p. 575

4. (1) The Governor-General may from time to time, in the name and on behalf of His Majesty the King, raise and maintain an emergency military force for fulfilling the obligations undertaken by New Zealand in the Charter of the United Nations.

Power to raise  
emergency  
force.

(2) The emergency force shall be deemed to form part of the Defence Forces established under the principal Act (which forces are hereinafter referred to as the Army), and shall consist of such officers and soldiers as are from time to time appointed or enlisted for service in the emergency force, and shall be designated by such name as the Army Board from time to time determines.

5. It shall be lawful for the Governor-General to accept the offer of any officers or soldiers of the Territorial Force or the Army Reserve to subject themselves to the liability to serve outside New Zealand, and to accept the offer of any other persons to enlist in the Army for service within and outside New Zealand; and upon any such offer being accepted they shall be liable to serve in the emergency force accordingly whenever required during the period to which the offer relates.

Volunteers for  
emergency  
force.

6. Officers and soldiers of the emergency force shall be liable to serve therein within and outside New Zealand until they are lawfully discharged.

Liability for  
service.

7. (1) All officers and soldiers of the emergency force shall be subject to military law as established by the Army Act, save so far as that Act is inconsistent with the principal Act, or any amendment thereof, or with any regulations in force in New Zealand.

Emergency  
force subject  
to military  
law.

(2) Any person not otherwise subject to military law who is attached to or employed by or carries out duties which necessitate his accompanying the emergency force or any portion thereof when on active service shall,—

(a) If he holds from the commanding officer of the force that he accompanies a pass entitling him to be treated on the footing of an officer, be subject to military law as if he were an officer; and

(b) In any other case, be subject to military law as if he were a soldier.

Oath of  
allegiance.

8. All officers and soldiers who are appointed to or enlisted in the emergency force shall take and subscribe the Oath of Allegiance before an officer in the form set out hereunder or to the like effect:—

“ I, \_\_\_\_\_, do solemnly promise and swear that I will be faithful and bear true allegiance to our Sovereign Lord the King, his heirs and successors, and that I will faithfully serve in the New Zealand Army, and that I will loyally observe and obey all orders of His Majesty, his heirs and successors, and of the officers set over me, until I shall be lawfully discharged. So help me God.”

## PART II

### AIR FORCE

This Part to be  
read with Air  
Force Act, 1937.  
1937, No. 6

9. This Part of this Act shall be read together with and deemed part of the Air Force Act, 1937.

Volunteers for  
emergency  
service.

10. For the purpose of fulfilling the obligations undertaken by New Zealand in the Charter of the United Nations, the Governor-General may from time to time accept the offer of any officers or airmen of the Territorial Air Force or the Air Force Reserve to subject themselves to liability for continuous service within and outside New Zealand, and accept the offer of any other persons to enlist in the Air Force for continuous service within and outside New Zealand; and

upon any such offer being accepted they shall be liable to serve accordingly whenever required during the period to which the offer relates.

### PART III

#### EMERGENCY REGULATIONS

11. (1) The Governor-General may from time to time, by Order in Council, make such regulations (hereinafter referred to as emergency regulations) as appear to him to be necessary or expedient for safeguarding the interests and maintaining and promoting the welfare of the persons, or of any class of the persons, who serve in any of the naval, military, or air forces of New Zealand or any other part of the Commonwealth during any emergency arising out of the obligations undertaken by New Zealand in the Charter of the United Nations, or for maintaining the efficiency of any such forces. Emergency regulations.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that emergency regulations may be made under this section for all or any of the following purposes:—

- (a) Providing for the occupational re-establishment of employees and apprentices:
- (b) Providing for the protection of landlords and tenants:
- (c) Providing generally for the rehabilitation and protection of servicemen and their dependants:
- (d) Providing for the protection of debtors and for the regulation and restriction of legal proceedings, powers, and remedies:
- (e) Providing, so far as appears to be necessary for the purposes of the emergency regulations, for modifying any enactment, either generally or in its application to any specified case or class of cases, for suspending the operation of any enactment, and for applying any enactment, with or without modification:
- (f) Providing for the appropriate punishment of persons offending against the emergency regulations.

(3) Emergency regulations may contain such incidental and supplementary provisions as appear to the Governor-General in Council to be necessary or expedient for the purposes of the regulations.

(4) Any emergency regulations shall have effect, notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

(5) All emergency regulations made under this section shall be laid before Parliament within twenty-eight days after the date of their making if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

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