

## Serial Number 1939/121.



**THE CENSORSHIP AND PUBLICITY EMERGENCY  
REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of  
September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, and pursuant to section 161 of the Post and Telegraph Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PART I.—GENERAL.

REGULATION I.—PRELIMINARY.

(1) These regulations may be cited as the Censorship and Publicity Emergency Regulations 1939.

(2) In these regulations, unless inconsistent with the context,—

*(a) General Definitions.*

“Board” means the Censorship and Publicity Board established by these regulations and, where the context so requires, includes any person or persons to whom any powers of the Board have been delegated :

“His Majesty’s Forces” includes the New Zealand and all other military, naval, or air forces raised by the Government of any Territory forming part of His Majesty’s Dominions :

“Public safety” includes the effective conduct of the military, naval, or air operations of His Majesty, the maintenance of industries essential to the public welfare, and the prevention of seditious utterances :

“Telegraphic message” includes telephonic messages, and also includes not only messages transmitted by electric wires or cables, but also those transmitted by radio-telegraphy or radio-telephony.

*(b) Definitions relating to Telegraph and Postal Censorship.*

- “ Officer of Customs ” means any person employed in the service of the Customs :
- “ Police officer ” means a member of the Police Force of any rank :
- “ Postal censor ” means a person appointed to act as a postal censor under Regulation 5 hereof :
- “ Postal packet ” means a letter, post-card, letter-card, newspaper, a book-packet, pattern or sample packet or parcel, New Zealand parcel, foreign parcel, and every other packet or article transmissible by post, and includes a telegram :
- “ Telegraphic censor ” means a person appointed to act as a telegraphic censor under Regulation 7 hereof :
- “ Telegraph-station ” means any station or place in New Zealand at which telegraphic messages are received from or transmitted to any place outside New Zealand, and includes all cables or wires connected with that station, and all things necessary for the efficient working thereof.

*(c) Definitions relating to Publicity.*

- “ Cinematograph film ” includes a sound-track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of cinematograph film :
- “ To publish ” means to communicate to the public or to any person or persons whether in writing or orally or by radio-telegraphy or radio-telephony or otherwise ; and in relation to cinematograph-film includes the mechanical or electrical reproduction of any sound in connection with the projection of the film ; and “ publication ” has a corresponding meaning.

## REGULATION 2.—CENSORSHIP AND PUBLICITY BOARD.

(1) There shall be a Board, to be known as the Censorship and Publicity Board.

(2) The members of the Board shall be the Prime Minister, the Minister of Defence, the Postmaster-General and Minister of Telegraphs, the Chiefs of the Naval, General, and Air Staffs, the Permanent Head of the Prime Minister's Department, the Director-General of the Post and Telegraph Department, and such other persons appointed, either personally or *ex officio*, as the Prime Minister from time to time thinks fit so to appoint.

(3) The Prime Minister shall himself be Chairman of the Board.

(4) The Prime Minister may appoint a Deputy-Chairman of the Board and arrange for an officer of the Public Service or any other person to be the Secretary of the Board.

(5) The members of the Board other than those holding office *ex officio* may resign office by notice in writing to the Secretary, and may at any time be removed by the Prime Minister by notice in writing to the member affected, or by public notice, and the Prime Minister shall indicate to the Secretary of the Board the fact of every such resignation or removal.

## REGULATION 3.—POWERS AND PROCEDURE OF THE BOARD.

(1) The Board shall have complete power to administer these regulations, and any powers hereby conferred on the Controller of Censorship, Director of Publicity, or any other person shall, if and whenever the Board thinks fit, be exercisable directly by the Board, and any exercise of power by any such person may accordingly be superseded by action on the part of the Board.

(2) The Board may delegate any of the functions and powers conferred on it by these regulations, either generally or in respect of any particular area or in respect of any particular class of activity, to any committee of its members or of other persons or partly of its members and partly of other persons, and any determination of such a committee shall, unless modified by the Board, have effect as a determination of the Board.

(3) Any such delegation may at any time be revoked or modified by the Board.

(4) Any notice or direction or other document of the Board shall be sufficient if given in writing signed by the Secretary or any other person purporting to act on behalf and by direction of the Board.

(5) The Board may in its discretion grant exemption, either wholly or in part, from compliance with any notice or direction of the Board or any requirement of these regulations, and any such exemption may at any time be withdrawn.

(6) Subject to these regulations, the Board may regulate its procedure by standing orders, by-laws, or resolutions in such manner as it may from time to time think fit.

## PART II.—TELEGRAPH AND POSTAL CENSORSHIP.

## REGULATION 4.—CONTROLLER OF CENSORSHIP.

(1) The Governor-General may from time to time appoint a Controller of Censorship, who, under the control and subject to the direction of the Board, shall be charged with the administration of this part of these regulations.

(2) The Controller of Censorship may resign office by notice in writing to the Board through the Chairman of the Board, and may at any time be removed by the Board by notice in writing or by public notice.

(3) The Controller of Censorship shall receive such salary as may from time to time be appropriated by Parliament for the purpose.

## REGULATION 5.—POSTAL CENSORSHIP.

(1) The Controller of Censorship may from time to time authorize any officer of the Public Service or any other person to act during his pleasure as a postal censor.

(2) Any person may be appointed to act as a postal censor either generally or at any one or more post-offices in respect of postal packets received at or transmitted by or delivered from any post-office, or reaching New Zealand in transit between any other postal administrations.

(3) The Controller of Censorship may in his discretion cause any postal packet to be opened, detained, or delayed.

(4) A postal censor may open, detain, or delay any postal packet.

(5) Except with the authority of a postal censor, it shall not be lawful for any postal officer to transmit beyond New Zealand, or to include in a mail being made up for transmission beyond New Zealand, any postal packet so addressed as by direction of the Controller of Censorship to require submission to a postal censor.

(6) Except with the authority of a postal censor, it shall not be lawful for any postal officer to deliver or to make available any postal packet so addressed as, by direction of the Controller of Censorship, to require submission to a postal censor.

#### REGULATION 6.—TELEGRAPH-STATIONS.

(1) The Controller of Censorship may direct that any telegraph-station shall be closed.

(2) Any such direction may at any time be revoked.

(3) The Controller of Censorship shall be deemed to be appointed as the person to assume and retain possession on behalf of the Governor-General of any telegraph station under section 161 of the Post and Telegraph Act, 1928, and to accept possession from the company or persons owning or occupying that station.

(4) The Controller of Censorship shall be an officer of the Crown duly authorized to require operators and other persons to transmit and receive messages pursuant to section 161 of the Post and Telegraph Act, 1928.

#### REGULATION 7.—TELEGRAPHIC CENSORSHIP.

(1) The Controller of Censorship may from time to time authorize any officer of the Public Service or any other person to act during his pleasure as a telegraphic censor.

(2) Any person may be appointed to act as a telegraphic censor either generally or at any one or more telegraph-stations in respect of telegraphic messages received at or transmitted by or delivered from any telegraph-station or reaching New Zealand in transit between any other telegraph administrations.

(3) The Controller of Censorship may in his discretion cause any telegraphic message to be perused and detained or delayed.

(4) A telegraphic censor may peruse and detain or delay any telegraphic message.

(5) If and so long as any appointment of a telegraphic censor is in force with respect to any telegraph-station it shall not be lawful to transmit from that station any telegraphic message until and unless the transmission thereof has been approved by a telegraphic censor at that station.

(6) If and so long as any appointment of a telegraphic censor is in force with respect to any telegraph-station it shall not be lawful for any person employed at that station to deliver or disclose to any other person any telegraphic message received at that station until and unless such delivery or disclosure has been approved by a telegraphic censor at that station.

(7) In time of war or at any time when war is reasonably to be apprehended a telegraphic message addressed to any place beyond New Zealand shall be accepted for transmission only at the sender's risk and subject to the following conditions :—

- (a) That it is written wholly in plain language either English or French :
- (b) That it does not contain, either in the address, text, or signature, any code address or code word of any kind :
- (c) That it bears the sender's name at the end of the text. (Any message not complying with this requirement shall be stopped in transmission until such name has been notified by the sender by means of a paid telegram) :
- (d) That without notice to the sender it may be stopped, delayed, or otherwise dealt with in all respects at the discretion of the Controller of Censorship :
- (e) That no claim in respect of the message, whether for the reimbursement of the sum paid for transmission or otherwise, shall be recognized in the circumstances whatsoever.

#### REGULATION 8.—SECRET-CODE TELEGRAMS.

(1) For the purposes of this regulation "secret-code telegram" means a telegraphic message having an apparent meaning on the face thereof but having a different meaning for the intended recipient or for any other person.

(2) Every person who transmits, or causes to be transmitted, or presents or causes to be presented to any officer of the Post and Telegraph Department for transmission from New Zealand a secret-code telegram shall be guilty of an offence against these regulations.

(3) Every person who in New Zealand is knowingly concerned in the transmission by any other person into New Zealand of a secret-code telegram shall be guilty of an offence against these regulations.

#### REGULATION 9.—COMMUNICATIONS WITH PERSONS IN ENEMY TERRITORY.

(1) No person shall communicate or attempt to communicate, whether by post, or telegraph, or any other manner whatever, and whether directly, or indirectly through any other person, firm, or company in New Zealand or elsewhere, with any person, firm, or company having or carrying on business in the territory of any State at war with His Majesty or in occupation of any State at war with His Majesty.

(2) No person shall in any manner act as an intermediary in any such communication or attempted communication or be in any manner knowingly concerned therein.

(3) Nothing in this regulation shall apply to enemy territory in the military occupation of His Majesty's forces.

(4) The Board may if it appears desirable in any particular case, grant an exemption from the provisions of this regulation. Any such exemption may be subject to such conditions as the Board thinks fit to impose and may at any time be withdrawn.

## REGULATION 10.—COMMUNICATIONS INJURIOUS TO PUBLIC SAFETY.

(1) If the Controller of Censorship has at any time reasonable grounds to suppose that any person, firm, or company in New Zealand or elsewhere is engaged in any business undertaking, correspondence, or communications of a nature injurious to the public safety or the effective conduct of the operations of the armed forces of His Majesty, the Controller of Censorship may, by notice under his hand in the *Gazette*, order that no postal packet or telegram addressed to or intended for that person, firm, or company shall be forwarded or delivered by the Post Office or transmitted by telegram.

(2) Until such order is in like manner revoked no such postal packet or telegram shall be forwarded, delivered, or transmitted, nor shall any money-order be issued in favour of or paid to, such person, firm, or company.

(3) While any such order remains in force all postal packets and telegraphic messages received at any post-office or telegraph-office for transmission to such person, firm, or company shall be submitted to censorship as hereinbefore provided.

(4) While any such order remains in force no person shall communicate, whether by post, or telegraph, or any other manner whatever, and whether directly or indirectly, through any other person, firm, or company in New Zealand or elsewhere, with the person, firm, or company to whom or to which the order relates, and no person shall in any manner act as an intermediary in any such communication or attempted communication or be in any manner knowingly concerned therein.

(5) While any such order remains in force no person shall remit or attempt to remit from New Zealand, whether directly or indirectly, any money to or for the benefit of or on behalf of the person, firm, or company to whom or to which the order relates or be in any manner knowingly concerned in any such remittance or attempted remittance.

(6) While any such order remains in force no person shall make or offer to make any contract with a person, firm, or company to whom or to which the order relates, or be in any manner knowingly concerned in the making or the offering of any such contract.

## REGULATION 11.—COMMUNICATIONS OTHERWISE THAN BY POST.

(1) No person shall otherwise than through the Post Office send or cause to be sent any letter or other written communication of such a nature that in the ordinary course of correspondence or business it would be transmitted through the Post Office.

(2) Any letter or other communication carried by a person embarking or landing at a New Zealand port or aerodrome or elsewhere may be seized and opened, detained, or delayed by any officer of Customs or police officer, and every such letter or other communication so seized, unless returned forthwith to the person carrying the same, shall forthwith be delivered to a censor of postal packets referred to in these regulations.

(3) If any police officer or officer of Customs has reasonable cause to suspect that any person is unlawfully carrying on or about his person or amongst his personal baggage any letter or other written communication of such a nature that in the ordinary course of

correspondence or business would be transmitted through the Post Office, he may detain the person so suspected for the purpose of being searched, and may without warrant forthwith search that person.

(4) A woman or girl may be detained as aforesaid, but shall not be searched except by a female searcher appointed for the purpose by either a police officer or officer of Customs.

(5) Any police officer or officer of Customs or any person authorized by him in that behalf who on reasonable and probable grounds believes that any person has sent or is about to send, or has caused to be sent or is about to cause to be sent, otherwise than through the Post Office any letter or other written communication of such a nature that in the ordinary course of correspondence or business it would be transmitted through the Post Office may forthwith arrest such person without warrant, whether such person is guilty or not.

(6) Any person so arrested shall be taken before a Justice to be dealt with according to law, or may be delivered to any police officer to be so taken and dealt with.

(7) In any proceedings for a breach of clause (1) of this regulation the onus of proving that he has complied with this regulation shall be on the person charged with such offence.

(8) No person shall do any act or attempt to do any act with intent to evade, obstruct, or interfere with the effective censorship, whether in New Zealand or elsewhere, and whether in pursuance of these regulations or of the laws of any other country, of telegrams, letters, or other postal packets.

### PART III.—PUBLICITY.

#### REGULATION 12.—DIRECTOR OF PUBLICITY.

(1) The Governor-General may from time to time appoint a Director of Publicity, who, under the control of the Board, shall be charged with the administration of this part of these regulations.

(2) The Director of Publicity may resign office by notice in writing to the Board through the Chairman of the Board, and may at any time be removed by the Board by notice in writing or by public notice.

(3) The Director of Publicity shall receive such salary as may from time to time be appropriated by Parliament for that purpose.

(4) The Director of Publicity may from time to time authorize any officer of the Public Service or any other person to act on his behalf for the purposes of this part of these regulations, and any such appointment may at any time be revoked.

#### REGULATION 13.—PREJUDICIAL INFORMATION.

(1) Subject as hereafter provided, no person shall in any manner likely to prejudice the public safety or the efficient prosecution of any naval, military, or air force operations of His Majesty's Forces obtain, attempt to obtain, place by writing or otherwise on record, communicate to any person, publish, or have in his possession any

document or record whatsoever of or containing any information being or purporting to be information with respect to any of the following matters, that is to say:—

- (a) The number, description, armament, equipment, disposition, movements, or condition of any of His Majesty's forces, vessels, or aircraft :
  - (b) Any operation or projected operation of any of His Majesty's forces, vessels, or aircraft :
  - (c) Any measures for the defence or fortification of any place on behalf of His Majesty :
  - (d) The number, description, armament, equipment, dispositions, movements or condition of any British vessel of the Mercantile Marine or of a vessel of the Mercantile Marine belonging to any State or a subject of any State other than a State with which His Majesty is at war :
  - (e) Any cargo laden or about to be laden in any ship or commercial aircraft which is about to leave New Zealand or which is in the course of a voyage from New Zealand, or any statement as to the use or intended use in the service of His Majesty of any ship which is about to leave New Zealand or which is in the course of a voyage from New Zealand :
  - (f) Any other matter whatsoever, information as to which would or might be directly or indirectly useful to any State with which His Majesty is at war.
- (2) No person shall publish any information of the kind referred to in this regulation unless such information—
- (a) Has previously appeared in a newspaper already received in New Zealand by mail and originally published in a part of His Majesty's Dominions where censorship restrictions accepted by the Director of Publicity as sufficient were in force at the date of such original publication ; or
  - (b) Has been approved for publication by the Director of Publicity.

#### REGULATION 14.—SUBVERSIVE REPORTS.

(1) In this regulation—

“Graphic representation” includes a photograph, photographic plate, photographic film, or other sensitized article which has been exposed in a camera, whether developed or not :

“Report” includes any oral or written statement and any graphic representation however produced :

“Subversive report” includes—

(i) A false report :

(ii) A report intended or likely to cause disaffection to His Majesty :

(iii) A report containing words expressive of a seditious intention within the meaning of section 118 of the Crimes Act, 1908 :

(iv) A report intended or likely to interfere with the success of His Majesty's forces by land, sea, or air :



(v) A report intended or likely to prejudice the recruiting or training of His Majesty's forces or the discipline or administration of His Majesty's forces :

(vi) A report intended or likely to interfere with the national effort by disruption of the morale of the civil population or armed forces :

(vii) A report intended or likely to prejudice the relations between His Majesty's subjects and any friendly foreign State or the subjects of that State :

(viii) A report intended or likely to undermine public confidence in banking or the currency, or intended or likely to prejudice the success of any financial measures taken or to be taken by the Government for the purpose of the more effective prosecution of any war in which for the time being His Majesty may be engaged.

(2) No person shall publish or attempt to publish, or communicate or attempt to communicate, to any person, orally or otherwise, any subversive report.

(3) No person shall do any act or have in his possession any article with a view to making or facilitating the publication or communication of any subversive report.

(4) No prosecution for an offence against this regulation shall be instituted except with the written consent of the Attorney-General.

(5) Judicial notice shall be taken of the signature to any consent given under the last preceding clause hereof.

#### REGULATION 15.—PERIODICAL PUBLICATIONS.

(1) If the Director of Publicity is of opinion that the publication or unrestricted publication of any information in the form of letterpress or graphic representation would be prejudicial to the public safety, he may give or cause to be given to the proprietor, editor, printer, or publisher of any periodical notice in writing prohibiting the publication of the information described in such notice.

(2) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print, publish, or prepare for printing or publication, or attempt to print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, or knowingly attempt to print, publish, or prepare for printing or publication, any letterpress or graphic representation in breach of a notice given as aforesaid.

(3) If the Director of Publicity is of opinion that the publication or unrestricted publication of information in the form of letterpress or graphic representation relating to any specified topic would be prejudicial to the public safety, he may give or cause to be given to the proprietor, editor, printer, or publisher of any periodical notice in writing prohibiting the publication of information relating to the topic specified in the notice without the prior written consent of the Director of Publicity or some person acting on his behalf.

(4) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print, publish, or prepare for printing or publication, or attempt to print, publish, or prepare for printing or publication, and no other person shall knowingly print, publish, or prepare for printing or publication, or knowingly attempt to print, publish, or prepare for printing or publication, any letterpress or graphic representation relating to a topic specified in a notice given as aforesaid without the prior written consent of the Director of Publicity or some person acting on his behalf.

(5) A notice given under this regulation to the proprietor, editor, printer, or publisher of a periodical shall be deemed to be given to all of them.

(6) Any notice under this regulation shall be sufficient if addressed to the proprietor, editor, printer, or publisher of a periodical by description of his position and the name or a commonly accepted name of the periodical of which he is proprietor, editor, printer, or publisher without the addition of his personal name.

(7) Any notice under this regulation shall be sufficiently given if left at the premises where the periodical is usually printed or published with some person appearing for the time being to have the management thereof.

(8) For the purposes of this regulation a periodical shall be deemed to preserve the same identity through the succeeding issues thereof so long as it continues to have the same proprietor or the same editor or the same printer or the same publisher, notwithstanding changes in any of the other persons concerned in these capacities and notwithstanding any change in title, price, format, name, intervals of publication, or place of publication, and accordingly any notice given under this regulation shall continue to have effect notwithstanding any such change as aforesaid.

(9) Any notice given under this regulation may from time to time by like notice be revoked or modified.

(10) If any periodical the publisher of which is convicted of a breach of this regulation is a newspaper within the meaning of section 2 of the Printers and Newspapers Registration Act, 1908, it shall be lawful for the Court by which he is convicted, in addition to any other penalty it may think fit to impose, to order that during such period as may be specified in the order such person shall not publish or be concerned in publishing in New Zealand any newspaper within the meaning of section 2 of the aforesaid Act.

(11) No person in respect of whom such order as aforesaid is made shall during the period therein specified publish or be concerned in publishing in New Zealand any newspaper within the meaning of section 2 of the aforesaid Act.

(12) For the purposes of this regulation any document printed or published for sale or distribution along with any copies of a periodical or of any issue thereof shall be deemed to be a part of such periodical.

## REGULATION 16.—PUBLICATIONS GENERALLY.

(1) No person shall otherwise than in a periodical publication the issues of which appear at intervals not regularly exceeding thirty-two days publish or prepare for publication, or attempt to publish or to prepare for publication, or import or attempt to import, any letterpress or graphic representation relating or referring to any war in which His Majesty is for the time being engaged unless such letterpress or graphic representation has been submitted to the Director of Publicity and approved by him in writing for publication or importation, as the case may be.

(2) Nevertheless the last preceding clause hereof shall not be deemed to prevent the publication or importation of writings that relate generally to the topic of any such war as aforesaid, but do not in detail describe or purport to describe any actual events thereof.

(3) No person shall have in his possession any set type, stereotypes, engraved stones, process or other blocks, plates, or other matter capable of being printed from directly or indirectly if the publication of letterpress or graphic representations from such matter would be an offence against this regulation.

(4) The printing of a proof for revision or submission to the Director of Publicity, and for no other purpose, or the importation of a single document for submission to the Director of Publicity and for no other purpose, shall not be deemed to be an offence against these regulations.

(5) No person shall print or publish in any periodical publication or in any other printed document—

- (a) Any matter or statement which in any manner indicates or may be reasonably supposed to indicate the existence in that document of any omission, alteration, or addition due to the exercise of the powers of censorship conferred by these regulations ; or
- (b) Any statement or indication that any matter or kind of matter has been required to be submitted to censorship under these regulations or that a censor has refused his authority for the printing or publication of any matter or kind of matter.

## REGULATION 17.—PRINTING-PRESSES.

(1) For the purposes of this regulation the term “ printing-press ” includes every machine or device used or capable of being used for the purpose of multiplying copies of any writing or graphic representation.

(2) If the Director of Publicity thinks it desirable in the interests of public safety so to do, he may give or cause to be given to the proprietor or manager of any printing-press notice in writing—

- (a) That no matter is to be printed on that printing-press until such matter has been submitted to censorship and the publication thereof has been authorized by the Director of Publicity :
- (b) That any matter or kind of matter specified in the notice is not to be printed on that printing-press until the matter so to be printed has been submitted to censorship and the publication has been authorized by the Director of Publicity.

(3) No person to whom is given or deemed to be given a notice to the effect set out in the last preceding clause hereof shall print or prepare for printing or attempt to print or prepare for printing, and no other person shall knowingly print or prepare for printing or knowingly attempt to print or prepare for printing, any matter or kind of matter in contravention of the terms of such notice.

(4) A notice given under this regulation to the proprietor or manager of a printing-press shall be deemed to be given to each of them.

(5) Any notice under this regulation shall be sufficient if addressed to the proprietor or manager of a printing-press by description of his position and description of the premises at which the printing-press is situate without the addition of his personal name.

(6) Any notice under this regulation shall be sufficiently given if left at the premises where the printing-press is situate with some person appearing for the time being to have the management thereof.

(7) For the purposes of this regulation a printing-press shall be deemed to preserve the same identity notwithstanding any change in name, ownership, managership, or plant, or removal to other premises, and accordingly any notice given under this regulation shall continue to have effect notwithstanding any such change or removal as aforesaid.

(8) Any notice given under this regulation may from time to time by like notice be revoked or modified.

#### REGULATION 18.—LEGAL PROCEEDINGS AND OFFENCES.

(1) In any proceedings for a breach of this part of these regulations the onus of proving that he has complied with these regulations shall lie on the person charged with such offence.

(2) Every person who fails to comply with any of the foregoing requirements or who commits or attempts to commit any act in breach of this part of these regulations commits an offence against these regulations.

(3) In addition to any other penalty imposed upon a conviction for a breach of Regulation 16 hereof, the Court may order that any documents for the publication or preparation for publication or importation of which any person has been convicted shall be forfeited to and become the property of His Majesty.

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

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Part II of the regulations is administered by the Controller of Censorship; Part III is administered by the Director of Publicity.