

Serial Number 1942/295



**THE DEFENCE EMERGENCY REGULATIONS 1941,
AMENDMENT NO. 4**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of
October, 1942.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Defence Emergency Regulations 1941, Amendment No. 4, and shall be read together with and deemed part of the Defence Emergency Regulations 1941* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:—

“ ‘ Army Nursing Service ’ means the New Zealand Army Nursing Service constituted under these regulations:

“ ‘ Women’s Army Auxiliary Corps ’ means the New Zealand Women’s Army Auxiliary Corps constituted under these regulations.”

3. The principal regulations are hereby amended by inserting, after Regulation 6B, the following regulations:—

“ 6C. (1) There is hereby constituted a part of the Defence Forces within the meaning of the Defence Act, 1909, and of these regulations to be known as the New Zealand Army Nursing Service.

“(2) Upon the commencement of this regulation all women who are then enrolled in or serving in the body hitherto known as the New Zealand Army Nursing Service shall be deemed to become members of the New Zealand Army Nursing Service constituted under this regulation.

“ 6D. (1) There is hereby constituted a part of the Defence Forces within the meaning of the Defence Act, 1909, and of these regulations to be known as the New Zealand Women’s Army Auxiliary Corps.

* Statutory Regulations 1941, Serial number 1941/130, page 419.

Amendment No. 1: Statutory Regulations 1941, Serial number 1941/152, page 492

Amendment No. 2: Statutory Regulations 1941, Serial number 1941/215, page 652.

Amendment No. 3: Statutory Regulations 1942, Serial number 1942/123, page 277.

“(2) Upon the commencement of this regulation all women who are then enrolled in or serving in any of the bodies known as the New Zealand Women’s War Service Auxiliary (Overseas Hospital Division), the New Zealand Women’s War Service Auxiliary (Overseas Welfare Division), the New Zealand Women’s War Service Auxiliary (Army Home Service Division), and the New Zealand Women’s Army Auxiliary Corps shall be deemed to become members of the New Zealand Women’s Army Auxiliary Corps constituted under this regulation.

“6E. (1) Every woman who at any time after the commencement of this regulation is desirous of becoming a member of the Army Nursing Service or the Women’s Army Auxiliary Corps shall make application for such membership by completing the particulars concerning herself set out in a form to be provided for the purpose, and shall be attested by making the declaration and swearing the oath of allegiance set out in that form before a commissioned officer of the Defence Forces or a Justice of the Peace.

“(2) The application of any woman may at any time before she is attested as aforesaid be rejected on the ground of physical unfitness, or on any other ground, or without any ground being specified.

“(3) Upon being attested the applicant shall become a member of the Army Nursing Service or the Women’s Army Auxiliary Corps, as the case may be.

“(4) The Army Nursing Service and the Women’s Army Auxiliary Corps may be divided into such subdivisions as may from time to time be determined by the Army Board.

“(5) Without limiting the powers conferred by section 5 of the Defence Act, 1909, it is hereby declared that the Governor-General may pursuant to that section from time to time appoint members of the Army Nursing Service or the Women’s Army Auxiliary Corps to serve as officers and to hold such appointments as seem to him necessary.

“6F. (1) Every member of the Army Nursing Service shall be liable for service within New Zealand for the duration of the war and twelve months thereafter or until lawfully discharged.

“(2) Every member of the Army Nursing Service who—

“(a) Has become a member thereof by virtue of clause (2) of Regulation 6c hereof upon the commencement of that regulation and was then serving out of New Zealand; or

“(b) Has stated in writing (whether before or after the commencement of this regulation and whether before or after becoming a member) that she is willing to serve beyond New Zealand in the New Zealand Military Forces for the duration of the war and twelve months thereafter or until lawfully discharged—

shall be liable to serve beyond New Zealand in the Army Nursing Service for the duration of the war and twelve months thereafter or until lawfully discharged, but no other member of the Army Nursing Service shall be liable to serve beyond New Zealand.

“6G. (1) Every member of the Women’s Army Auxiliary Corps shall be liable for service within New Zealand for the duration of the war and twelve months thereafter or until lawfully discharged.

“(2) Every member of the Women’s Army Auxiliary Corps who—

“(a) Has become a member thereof by virtue of clause (2) of Regulation 6D hereof upon the commencement of that regulation and was then serving out of New Zealand; or

“(b) Has stated in writing (whether before or after the commencement of this regulation and whether before or after becoming a member) that she is willing to serve beyond New Zealand in the New Zealand Military Forces for the duration of the war and twelve months thereafter or until lawfully discharged—

shall be liable to serve beyond New Zealand in the Women’s Army Auxiliary Corps for the duration of the war and twelve months thereafter or until lawfully discharged, but no other member of the Women’s Army Auxiliary Corps shall be liable to serve beyond New Zealand.

“6H. (1) A member of the Army Nursing Service may, if she consents, be transferred to the Women’s Army Auxiliary Corps, and a member of the Women’s Army Auxiliary Corps may, if she consents, be transferred to the Army Nursing Service.

“(2) Subject to the provisions of Regulations 6F and 6G hereof, a member of the Army Nursing Service or of the Women’s Army Auxiliary Corps may be attached to any other part of the Defence Forces.

“(3) A member of the Army Nursing Service or of the Women’s Army Auxiliary Corps may be discharged by the Adjutant-General of the Defence Forces or by any officer or officers of the Defence Forces to whom the Adjutant-General may have delegated his powers in that behalf.

“(4) No officer of the Army Nursing Service or of the Women’s Army Auxiliary Corps shall be competent to resign her commission or appointment without the consent of the Governor-General.

“6J. (1) Subject to the provisions of these regulations all regulations made under the Defence Act, 1909, shall, so far as they are applicable, and with the necessary modifications, apply with respect to all members of the Army Nursing Service while they are in New Zealand and to all members of the Women’s Army Auxiliary Corps while they are in New Zealand as if the Army Nursing Service and the Women’s Army Auxiliary Corps were parts of the Territorial Force:

“Provided that, subject as aforesaid, the application of any such regulations to the Army Nursing Service or to the Women’s Army Auxiliary Corps may be excluded or modified by Army Orders.

“(2) While these regulations continue in force, paragraph 207 of the Regulations for the New Zealand Military Forces 1927* and Appendix XIV to those regulations shall be deemed to be suspended, and all references to the New Zealand Army Nursing Service in any other provisions of those regulations shall be deemed to be references to the New Zealand Army Nursing Service constituted under these regulations.

“6K. (1) For the purposes of Regulation 8 hereof in its application to members of the Army Nursing Service and of the Women’s Army Auxiliary Corps, the provisions of the Army Act and of the King’s Regulations referred to therein shall apply with respect to such members only in such manner to such extent and subject to such adaptations and modifications as may from time to time be specified in Army Orders.

“(2) For the purpose of the application as aforesaid of the provisions of the Army Act, all members of the Army Nursing Service and of the Women’s Army Auxiliary Corps shall be deemed to be persons subject to military law within the meaning of that Act, and if officers shall be deemed to be so subject as officers, and otherwise shall be deemed to be so subject as soldiers.

“6L. (1) Regulation 14 of the Expeditionary Force Emergency Regulations 1940† shall not apply with respect to a member of the Army Nursing Service or of the Women’s Army Auxiliary Corps who is attached to the Second New Zealand Expeditionary Force or any section thereof.

“(2) The provisions of the Army Act that relate to offences and the trial and punishment of persons subject to military law shall apply with respect to every member of the Army Nursing Service or of the Women’s Army Auxiliary Corps who is attached to the Second New Zealand Expeditionary Force or any section thereof, while such member is out of New Zealand, only in such manner to such extent and subject to such adaptations and modifications as may from time to time be specified in Army Orders.

“(3) For the purpose of the application as aforesaid of the provisions of the Army Act, all members of the Army Nursing Service and of the Women’s Army Auxiliary Corps shall be deemed to be persons subject to military law within the meaning of that Act, and if officers shall be deemed to be so subject as officers, and otherwise shall be deemed to be so subject as soldiers.

“6M. Subject to the provisions of Regulation 6L hereof, the provisions of the Expeditionary Force Emergency Regulations 1940† shall apply with respect to members of the Army Nursing Service or of the Women’s Army Auxiliary Corps who are attached to the Second New Zealand Expeditionary Force or any section thereof, while such members are out of New Zealand, as if such members were members of the Expeditionary Force:

“Provided that the application of any such regulations to such members may be excluded or modified by Army Orders.

* Gazette, 25th May, 1927, Vol. II, page 1555.

† Statutory Regulations 1940, Serial number 1940/1, page 1.

Amendment No. 1: Statutory Regulations 1941, Serial number 1941/9, page 17.

Amendment No. 2: Statutory Regulations 1941, Serial number 1941/196, page 601.

Amendment No. 3: Statutory Regulations 1942, Serial number 1942/41, page 99.

“ 6N. For the purposes of Regulations 6c to 6m hereof, references to ranks in the Army Act, in the King's Regulations, in the Defence Act, 1909, in any regulations made thereunder, in the Expeditionary Force Emergency Regulations 1940, and in these regulations shall be deemed to include references to the relative ranks of members of the Army Nursing Service and the Women's Army Auxiliary Corps and words in such Acts and regulations importing the masculine gender shall be deemed to include women.

“ 6P. (1) Subject to the provisions of these regulations, Army Orders may from time to time be issued with respect to members of the Army Nursing Service or of the Women's Army Auxiliary Corps for any of the purposes for which regulations can be made under the Defence Act, 1909.

“(2) The provisions of this regulation shall be in addition to and not in restriction of the other provisions of these regulations.”

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 15th day of October, 1942
These regulations are administered in the Army Department.