

Serial Number 1945/41



**THE INDUSTRIAL MAN-POWER EMERGENCY REGULATIONS
1944, AMENDMENT NO. 2**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 18th day of
April, 1945

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. (1) These regulations may be cited as the Industrial Man-power Emergency Regulations 1944, Amendment No. 2, and shall be read together with and deemed part of the Industrial Man-power Emergency Regulations 1944* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.

2. Regulation 28 of the principal regulations is hereby amended by adding to subclause (13) the following proviso :—

“ Provided that no appeal shall be made by any person in respect of any application under subclause (12) of this regulation for his release from any direction if at the time of making the application he was failing to comply in any respect with the direction.”

3. Regulation 28 of the principal regulations is hereby further amended by revoking subclause (14), and substituting the following subclause :—

“(14) If, while any person is subject to any obligation imposed on him by virtue of any direction given by the Minister pursuant to this regulation or the corresponding provisions of any former regulations, any other person employs or continues to employ that person in any employment to which the direction does not relate, the employer and the person employed shall each be deemed to have committed an offence against these regulations :

* Statutory Regulations 1944, Serial number 1944/8, page 14.

Amendment No. 1 : Statutory Regulations 1944, Serial number 1944/141, page 397.

“ Provided that it shall be a good defence in any proceedings against an employer for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during the period of his employment to any unfulfilled obligations under this regulation.”

4. Regulation 30 of the principal regulations (as amended by Regulation 4 of the Industrial Man-power Emergency Regulations 1944, Amendment No. 1) is hereby further amended, as from the commencement of the said Amendment No. 1, by omitting from subclause (1) the word “ consent ”, and substituting the words “ prior consent in writing ”.

5. Regulation 33 of the principal regulations is hereby amended by adding to subclause (4) the following proviso :—

“ Provided that no appeal shall be made by any person in respect of any application under subclause (2) of this regulation for his release from any direction if at the time of making the application he was failing to comply in any respect with the direction.”

6. Regulation 33 of the principal regulations is hereby further amended by revoking subclause (5), and substituting the following subclause :—

“ (5) If, while any person is subject to any obligation imposed on him by virtue of any direction given by the District Man-power Officer pursuant to this regulation or the corresponding provisions of any former regulations, any other person employs or continues to employ that person in any employment to which the direction does not relate, the employer and the person employed shall each be deemed to have committed an offence against these regulations :

“ Provided that it shall be a good defence in any proceedings against an employer for an offence against this subclause if the defendant proves that he did not know and had no reasonable grounds to suspect that the worker in respect of whose employment the proceedings were taken was subject at any time during his employment to any unfulfilled obligations under this regulation.”

7. (1) Regulation 46 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclauses :—

“ (2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

“ (a) In the case of a male individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50, or to both such imprisonment and such fine :

“ (b) In the case of a female individual, to a fine not exceeding £50 :

“ (c) In the case of a company or other corporation, to a fine not exceeding £200.

“ (2A) Where any person commits an offence by acting in contravention of or failing to comply in any respect with any provision of these regulations or of any order, direction, restriction, requirement, or condition given or imposed under these regulations, he shall be deemed to commit a further offence against these regulations on every day after the first during which the contravention or non-compliance continues, whether or not (in the case of a non-compliance) a specified date has been fixed for compliance.”

(2) The new subclause (2) substituted by this regulation shall apply with respect to every conviction after the commencement of these regulations, whether the offence was committed before or after the commencement of these regulations.

(3) The new subclause (2A) substituted by this regulation shall apply in every case, whether the contravention or non-compliance commenced before or after the commencement of these regulations:

Provided that no further offence shall be deemed to have been committed under the said subclause (2A) on any day before the commencement 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*: 19th day of April, 1945.
These regulations are administered in the National Service Department.