

Serial Number 1943/41



**THE PHOTOGRAPHY EMERGENCY REGULATIONS 1939,
AMENDMENT NO. 2**

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

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of
March, 1943.

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 Photography Emergency Regulations 1939, Amendment No. 2, and shall be read together with and deemed part of the Photography Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

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

“ ‘ Armed force ’ means any of His Majesty’s naval, military, or air forces, or any other force for the time being lawfully present in New Zealand :

“ ‘ Master ’, in relation to any ship or aircraft, includes any person for the time being having command or charge of the ship or aircraft, but in the case of a ship does not include a pilot :

“ ‘ Ship ’ includes every description of vessel used in navigation not propelled by oars, other than a ship of war : ”.

(2) Regulation 2 of the principal regulations is hereby further amended by omitting from the definition of the expression “ Telegraph station ” the word “ outside ”, and substituting the words “ in or outside ” ; and also by omitting from the same definition the words “ has the meaning assigned to it by the Post and Telegraph Act, 1928— that is to say, it ”.

* Statutory Regulations 1939, Serial number 1939/244, page 985.

Amendment No. 1 : Statutory Regulations 1942, Serial number 1942/7, page 28.

3. Regulation 3 of the principal regulations is hereby amended by adding the following new paragraphs :—

“ (m) Any guarded place or prohibited place within the meaning of the Defence Emergency Regulations 1941,* or any protected place within the meaning of the Protected Places Emergency Regulations 1940† :

“ (n) Any munitions of war, arms, or vehicles, or any parts thereof, intended for or being used by any armed force, or any supplies for any armed force :

“ (o) Any member or members of any armed force on parade, or engaged in any manoeuvres or operations.”

4. Regulation 3 of the principal regulations is hereby further amended—

(a) By inserting, after the words “ Air Board ”, the words “ or by the officer for the time being commanding any armed force other than any of His Majesty’s Forces ” :

(b) By omitting from paragraphs (c) and (d) the words “ any of His Majesty’s Forces ”, and substituting in each case the words “ any armed force ” :

(c) By inserting in paragraph (g), after the words “ His Majesty ”, the words “ or upon the service of the Government of any power friendly to His Majesty ”.

5. The principal regulations are hereby amended by inserting, after Regulation 3, the following new regulation :—

“ 3A. (1) Subject to the provisions of this regulation, no person shall, except in pursuance of a written permit granted by an officer of His Majesty’s Forces authorized in that behalf by the Naval Board or Air Board,—

“ (a) Have a camera with him in any ship or aircraft registered in New Zealand, wherever the ship or aircraft may be, or in any other ship or aircraft within or over New Zealand (including the territorial waters thereof) :

“ (b) While in any ship or aircraft registered in New Zealand, wherever the ship or aircraft may be, or in any other ship or aircraft within or over New Zealand (including the territorial waters thereof), make any graphic representation of the ship or aircraft or any part thereof, or of any object in, or seen from, the ship or aircraft, or have with him any such graphic representation made at any time after the commencement of this regulation by any other person while in the ship or aircraft.

“ (2) No person shall be deemed to have a camera with him in a ship or aircraft in contravention of the provisions of subclause (1) of this regulation if he surrenders the camera to the master of the ship or aircraft,—

“ (a) In the case of a ship or aircraft registered in New Zealand, at the place of embarkation :

“ (b) In the case of a ship or aircraft proceeding to or from New Zealand, not being a ship or aircraft registered in New Zealand, on or before reaching the territorial limits of New Zealand or at the place of embarkation, as the case may be :

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

† Statutory Regulations 1940, Serial number 1940/265, page 924.

“(c) In the case of a ship or aircraft proceeding between places in New Zealand, not being a ship or aircraft registered in New Zealand, at the place of embarkation.

“(3) Where in pursuance of the foregoing provisions of this regulation a camera is surrendered by any person to the master of a ship or aircraft, the master shall retain possession of the camera—

“(a) In the case of a ship or aircraft registered in New Zealand, until the disembarkation of that person at his place of destination :

“(b) In the case of a ship or aircraft proceeding to New Zealand, not being a ship or aircraft registered in New Zealand, until the disembarkation of that person at his place of destination or until the ship or aircraft leaves the territorial limits of New Zealand :

“(c) In the case of a ship or aircraft proceeding from New Zealand, not being a ship or aircraft registered in New Zealand, until the ship or aircraft has left the territorial limits of New Zealand :

“(d) In the case of a ship or aircraft proceeding between places in New Zealand, not being a ship or aircraft registered in New Zealand, until the disembarkation of that person at his place of destination.

“(4) Any authorized officer and any person acting under his directions may examine or search any ship or aircraft to which any provision of this regulation applies, or any part of any such ship or aircraft, for the purpose of ascertaining whether there is in the ship or aircraft any camera or graphic representation in respect of which any provision of this regulation is being or has been contravened or not complied with, and may seize any camera or graphic representation found upon such examination or search.

“(5) Where any authorized officer has reason to suspect, in the case of any person in any ship or aircraft to which any provision of this regulation applies, or who disembarks therefrom, that any provision of this regulation is being or has been contravened or not complied with by that person, the authorized officer and any person acting under his directions may search and detain for the purpose of search that person and anything he has with him, and may seize any camera or graphic representation found upon such search :

“Provided that no female shall be searched in pursuance of this clause except by a female.

“(6) Any authorized officer and any person acting under his directions may go on board any ship or aircraft for the purpose of exercising any of the powers conferred on them by this regulation.

“(7) Where any camera or graphic representation is seized under this regulation it may be detained for such period and dealt with in such manner as may be directed by or on behalf of the Naval Board or the Air Board, and in particular, but without prejudice to the generality of the foregoing words, any such graphic representation may be subjected to any process and may be wholly or partly destroyed or obliterated.

“(8) For the purposes of this regulation, ‘authorized officer’ means any member of any armed force acting in the course of his duty as such, or any officer of Customs within the meaning of the Customs Act, 1913, or any constable.

“(9) Nothing in the foregoing provisions of this regulation shall apply with respect to any aircraft used for the purposes of any armed force.

“(10) The provisions of this regulation are in addition to and not in derogation of the provisions of Regulation 3 hereof.”

6. Regulation 4 of the principal regulations is hereby amended by omitting the words “the last preceding regulation”, and substituting the words “Regulation 3 or Regulation 3A hereof”.

7. Regulation 6 of the principal regulations is hereby amended by omitting from clause (4) the words “In every other case”, and substituting the words “In the case of every other graphic representation”.

8. Regulation 7 of the principal regulations is hereby amended by inserting, after the words “permit granted under these regulations”, the words “or in respect of which any provision of these regulations has been contravened or not complied with”.

9. Regulation 9 of the principal regulations is hereby amended as follows:—

- (a) By omitting the words “an officer of His Majesty’s Forces”, and substituting the words “any person”;
- (b) By inserting, after the words “Regulation 3”, the words “or Regulation 3A”;
- (c) By omitting the words “shall be conclusive evidence”, and substituting the words “shall, until the contrary is proved, be sufficient evidence”.

10. The provisions of Regulation 3A of the principal regulations, as set out in Regulation 5 of these regulations, are, in so far as they relate to aircraft, in substitution for the provisions of Regulation 10 of the Aviation Emergency Regulations 1939,* and that regulation is hereby consequentially revoked.

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

* Statutory Regulations 1939, Serial number 1939/134, page 618.

Issued under the authority of the Regulations Act, 1936.
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