



**THE PRIMARY INDUSTRIES EMERGENCY REGULATIONS 1939,
AMENDMENT NO. 2.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 1940.

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.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Primary Industries Emergency Regulations 1939, Amendment No. 2.

(2) These regulations shall be read together with and deemed part of the Primary Industries Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

(3) Regulation 2 of the principal regulations is hereby amended by inserting after the words "phormium fibre", in the definition of the term "primary product", the words "linen flax".

(4) Nothing in these regulations shall be deemed to limit or restrict the powers or functions conferred on the Minister or on the Controller by the principal regulations.

REGULATION 2.—DIRECTIONS AS TO PRODUCTION.

(1) The Minister or the Controller, so far as appears to him to be necessary or expedient for securing the defence of New Zealand or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, may from time to time require any person who is, or who in the opinion of the Minister or Controller should be, engaged in carrying on the business of producing, processing, manufacturing, packing, freezing, chilling, or storing any primary product to carry on business in accordance with directions given by the Minister or Controller, as the case may be, and to keep such books, accounts, and other records relating thereto as may be directed by the Minister or Controller.

* Statutory Regulations 1939, Serial number 1939/164, page 728.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/265, page 1633

(2) Without prejudice to the generality of the last preceding clause, any such directions given thereunder may—

- (a) Require the owner or occupier of any land to cultivate and manage the land in such manner as may be specified in the directions, or to use the land in such manner, or to such extent, and for the production of such kinds or classes of primary products as may be so specified :
- (b) Require the owner or occupier of any premises capable of being used for the production, processing, manufacturing, freezing, chilling, or storage of any primary product to employ upon such work and for such period as may be specified in the directions such persons or such class or description of persons or such number of persons or such number of persons of such class or description as may be so specified, not being persons who are stated by the Minister of National Service to be unavailable for such employment :
- (c) Prescribe or limit the quantities of any primary product or any specified kind, class, quality, or grade of primary products that may be produced, processed, or manufactured on the premises of any such owner or occupier as is mentioned in the last preceding paragraph.

(3) No obligation or limitation imposed on any person by or by virtue of any Act or other instrument determining his or its functions or powers shall prevent or excuse that person from complying with any directions of the Minister or Controller.

REGULATION 3.—CONTROL OF PRODUCTION.

(1) If any person fails to carry on business in accordance with directions given by the Minister or the Controller under the last preceding regulation, the Minister or Controller may authorize any other person or persons to carry on the whole or any part of the business in accordance with directions given by the Minister or Controller. The provisions of clause (2) of the last preceding regulation shall, with the necessary modifications, apply with reference to those directions.

(2) Any person or persons authorized under the last preceding clause to carry on the whole or any part of a business shall, while so doing, be deemed to be acting as the agent or agents of the proprietor of the business, except that the proprietor shall not have any right to control the carrying-on of the business or the part of the business, as the case may be.

(3) While the whole or any part of a business is being carried on by any person authorized so to do under clause (1) of this regulation, the proprietor of the business shall not be bound or, as the case may be, shall not in respect of such matters as may be specified in any directions given by the Minister or Controller be bound by any obligation or limitation imposed on the proprietor by or by virtue of any Act or other instrument determining his or its functions or powers.

(4) Without prejudice to the generality of the foregoing provisions of this regulation, any person or persons authorized under clause (1) of this regulation to carry on the whole or any part of a business

may dismiss any servants of the proprietor of the business and may, in respect of any premises used or appropriated for the purposes of the business, restrict the rights of any person or persons to have access thereto.

(5) Any person or persons authorized under clause (1) of this regulation to carry on the whole or any part of a business shall be entitled to receive remuneration, at a rate or rates to be fixed by the Minister, out of the funds of the business.

REGULATION 4.—REQUISITION OR USE OF PROPERTY.

(1) The Minister may from time to time, if it appears to him to be necessary or expedient so to do for the effectual exercise of any of the powers or functions conferred upon him or upon the Controller by the principal regulations, take possession of, or requisition, any land, buildings, parts of buildings, or goods, and may give such directions as appear to him to be expedient in connection with the taking of possession of that land or of those buildings, parts of buildings, or goods.

(2) Where the Minister is in possession of, or requisitions, any property under this regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), as he thinks necessary or expedient for the effectual exercise of any of the powers or functions conferred upon him or upon the Controller by the principal regulations, and may hold, and use, and in the case of goods sell or otherwise dispose of, the property as if he were the owner thereof and as if the property were free from any mortgage, pledge, lien, or other similar obligation.

(3) Any person who is the owner of any property or who has any mortgage, pledge, lien, or other security thereover or who has any other title thereto shall, if he suffers loss by the exercise in respect of that property of any of the powers conferred by this regulation, be entitled to compensation in respect of that loss out of moneys appropriated by Parliament for the purpose.

(4) If any question arises as to the amount to be paid to any person under this regulation and that person and the Minister are unable to agree thereon, the question shall be referred to one arbitrator if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by that person and one by the Minister under the provisions of the Arbitration Act, 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any Court for the recovery of the amount claimed.

(5) The Minister, if it appears to him to be necessary or expedient for the effectual exercise of his powers under clause (1) of this regulation so to do, may, by notice given as respects the whole of New Zealand or any part thereof, require all persons in the area to which the notice applies who, on such date as may be specified in the notice, have or had in their possession or control or on order by them such goods as may be described in the notice to furnish

to the Minister or to the Controller, or to such other person as may be specified in the notice, such information and particulars in relation to the goods at such time and in such form and manner as may be directed by the notice, and may direct that no person shall remove any such goods or cause or permit them to be removed until such date as may be specified in the notice or until the removal is permitted by the Minister or by the Controller or by such other person as may be specified in the notice.

(6) For the purposes of this regulation the term "goods" includes all chattels personal other than money or things in action, and also includes machinery, notwithstanding that it may be attached to any land or building.

REGULATION 5.—CONTRACTS.

(1) Where the failure, whether before or after the commencement of these regulations, to fulfil any contract has been directly or indirectly due to compliance on the part of any person with any of the provisions of the principal regulations or with any direction, restriction, requirement, or condition given or imposed thereunder, or has been directly or indirectly due to the exercise by the Minister or by the Controller of any of the powers or functions conferred by the principal regulations, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(2) This regulation shall apply with respect to all contracts whether made before or after the commencement of these regulations.

REGULATION 6.—OFFENCES.

(1) Every person who with intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or Controller (whether in writing or otherwise) commits an offence against the principal regulations.

(2) Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of the principal regulations or any direction, restriction, requirement, or condition given or imposed under those regulations commits an offence against those regulations.

(3) Every person who obstructs any person in the exercise or in the attempted exercise of any right or power conferred under the principal regulations commits an offence against those regulations.

(4) Every person who commits an offence against the principal regulations shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment in the case of an individual, or to a fine not exceeding £1,000 in the case of a company or other corporation.

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