

Serial Number 1940/29.



**THE PRISONERS OF WAR EMERGENCY REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of  
February, 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.

1. These regulations may be cited as the Prisoners of War Emergency Regulations 1940.

2. In these regulations, unless inconsistent with the context,—

“Escape” includes escape from arrest, from custody, and from detention; and “escaped” has a corresponding meaning:

“Military authority” means any military officer appointed by the Minister of Defence, by warrant signed by him and published in the *Gazette*, as a military authority for the purpose of these regulations, whether generally or in respect of any particular place or part of New Zealand:

“Military officer” means a commissioned officer of the Defence Forces under the Defence Act, 1909, and includes any person who in fact holds office, whether permanently or temporarily, as such a commissioned officer, notwithstanding any irregularity or invalidity in his appointment or in the tenure of his office:

“Officer” means a military officer or a police officer:

“Prisoner of war” includes—

(i) Any person detained in New Zealand under the order of a military authority or otherwise detained as a prisoner of war:

(ii) Any person of enemy nationality who is for the time being detained under the authority of the Alien Control Emergency Regulations 1939, or any other lawful authority as an executive measure, and not in execution of any judicial sentence:

(iii) Any person of alien nationality who is for the time being detained under the authority of the Alien Control Emergency Regulations 1939, or any other lawful authority as an executive measure, and not in execution of any judicial sentence :

(iv) Any person who during detention would be within any of the classes aforesaid—

(a) If his arrest has been authorized by a military authority, although he has not yet been actually arrested ; or

(b) If his taking into custody has been ordered by the Minister under the Alien Control Emergency Regulations 1939, or other lawful authority, although he has not yet been actually taken into custody ; or

(c) If, having been arrested or taken into custody or having become subject to detention, he has afterwards escaped.

3. No person shall assist or connive at the escape of any prisoner of war, or knowingly harbour or assist any prisoner of war who has escaped, or any person whom he has reasonable ground for believing to be a prisoner of war who has escaped.

4. If a military authority has reason to suspect that any house, building, land, ship, or other premises are being used for the purpose of harbouring an escaped prisoner of war, or have been or are about to be used for any such purpose, the military authority, or any officer or other person authorized by him, may enter, if need be by force, the house, building, land, ship, or premises at any time of the day or night and examine, search, and inspect the same or any part thereof, and may seize any prisoner of war who may be found therein.

5. No person shall trespass on any land or building for the time being utilized for the detention of prisoners of war.

6. When any land bounded wholly or in part by the waters of the sea or any harbour, lake, or river is for the time being utilized for the detention of prisoners of war, then no person shall, without the permission in writing of a military authority, either approach by water within half a mile of the water boundary of such land or at any time be or remain on or in such waters within half a mile of the water boundary of such land.

7. No person shall, except through the Post Office, communicate with any prisoner of war without the permission of a military authority.

8. No person shall by day or night show any light or do any other act whatever which is intended as or may reasonably be suspected to be a signal to or a communication with any prisoner of war.

9. When an armed guard has been stationed at any building or place utilized for the detention of prisoners of war, no person shall, in disregard of a warning received from the guard, approach, enter, or leave the building or place so guarded.

10. No person shall obstruct, interfere with, or mislead any officer or other person who is carrying out the orders of a military authority or who is otherwise acting in accordance with his powers or duties under these regulations.

**11.** No person having in his possession any information which may be of use to an officer in the execution of his powers or duties under these regulations shall withhold such information from the officer when reasonably required by him to give the same.

**12.** If any officer, or any person directing or assisting any officer, has reasonable ground for believing and does believe that any person in question is a prisoner of war within the meaning of these regulations, then any action on the part of such officer or other person taken under these regulations shall be as lawful in all respects as if the person in question were a prisoner of war, notwithstanding that he may not have been a prisoner of war within the meaning of these regulations.

**13.** Nothing in these regulations shall be so construed or shall so operate as to confer any rights upon an alien enemy or in any manner to take away or restrict the absolute right of His Majesty to do with all such persons according to his good pleasure.

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

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 22nd day of February, 1940.  
These regulations are administered in the Army Department.