

Serial Number 1944/120



**THE PRISONERS OF WAR (DISCIPLINE) EMERGENCY  
REGULATIONS 1944**

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C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 23rd day of  
August, 1944

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.

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**REGULATIONS**

1. These regulations may be cited as the Prisoners of War (Discipline) Emergency Regulations 1944.

2. (1) In these regulations, unless the context otherwise requires, the expression "United Kingdom Regulations" means the Regulations for the Maintenance of Discipline among Prisoners of War made by His Majesty the King under His Royal Warrant dated the 6th day of September, 1939; and includes all regulations made at any time thereafter in amendment thereof or in substitution therefor and for the time being in force.

(2) In these regulations and in the United Kingdom Regulations as applied by these regulations, unless the context otherwise requires,—

"Defence Forces" has the same meaning as in the Defence Act, 1909\* :

"Officer" means an officer of the Defence Forces within the meaning of the Defence Act, 1909.\*

3. Subject to the provisions of these regulations, the United Kingdom Regulations shall apply with respect to prisoners of war in New Zealand.

\* See Reprint of Statutes, Vol. II, page 575.

4. For the purposes of these regulations, the United Kingdom Regulations shall be read and construed as if they had been amended as follows :—

(a) By omitting all references to His Majesty's Forces, and substituting in each case a reference to the Defence Forces :

(b) By omitting all references to the Army Council, and substituting in each case a reference to the Adjutant-General of the Defence Forces :

(c) By omitting all references to the Commander-in-Chief of the Forces in India or the General Officer Commanding, Burma :

(d) By revoking paragraphs 1, 2, 3, and 4, and substituting the following paragraphs :—

“ 1. The custody of, and the maintenance of discipline among, prisoners of war shall, so far as circumstances admit, be regulated by orders issued by or under the authority of the Adjutant-General of the Defence Forces.

“ 2. Every such order shall be communicated to prisoners of war in a language which they understand.” :

(e) By omitting from paragraph 8A the word “ German ” wherever it occurs :

(f) By revoking paragraph 16, and substituting the following paragraph :—

“ 16. (1) A military court for the trial of a prisoner of war shall be convened by an officer holding a warrant authorizing him so to do, in the form given in Appendix B.

“ (2) Warrants under this paragraph may be addressed to officers by name or by designation of their offices, and partly in one way and partly in the other, and any warrant may or may not, according to the terms of the warrant and the mode in which it is addressed, be limited to an officer named, or be extended to a person for the time being performing the duties of the office named, or be extended to the successors in command of an officer.” :

(g) By revoking paragraph 35, and substituting the following paragraph :—

“ 35. (1) The finding and sentence of a military court may be confirmed by an officer holding a warrant authorizing him so to do, in the form given in Appendix B.

“ (2) Warrants under this paragraph may be addressed to officers by name or by designation of their offices, and partly in one way and partly in the other, and any warrant may or may not, according to the terms of the warrant and the mode in which it is addressed, be limited to an officer named, or be extended to a person for the time being performing the duties of the office named, or be extended to the successors in command of an officer.” :

(h) By revoking paragraphs 42, 43, 44, and 45, and substituting the following paragraph :—

“ 42. No sentence of death passed by a military court shall be carried into effect unless, in addition to confirmation and compliance with the other requirements of these regulations, it has been submitted for the signification of the Governor-General's pleasure thereon.” :

- (i) By revoking paragraph 48, and substituting the following paragraph :—  
 “ 48. When a sentence passed by a military court has been confirmed, the Adjutant-General of the Defence Forces shall have power to mitigate, suspend, or remit the punishment thereby awarded, or to commute such punishment for any less punishment to which the offender might have been sentenced by the said court.” :
- (j) By revoking paragraph 51, and substituting the following paragraph :—  
 “ 51. An order of the Commandant, or of the officer commanding a body of troops having the custody of prisoners of war, shall be a sufficient warrant—  
 “ (a) For the committal to prison or to a detention barrack of a prisoner of war sentenced by a military court to penal servitude or to imprisonment ;  
 “ (b) For the committal to a detention barrack of a prisoner of war sentenced by a military court or by a summary award to detention ;  
 “ (c) For the committal to prison or to a detention barrack of a prisoner of war whose committal has been ordered under paragraph 49A (6).” :
- (k) By repealing the definition of the term “ colony ” in paragraph 60 :
- (l) By revoking Appendix B, and substituting the Appendix set out in the Schedule hereto :
- (m) By revoking Rule 10 (B) of the Rules of Procedure (Appendix C), and substituting the following :—  
 “ (B) If more than thirty days elapse between the time when an officer having power to convene a military court receives an application for a court, and the date at which the case is disposed of, either by the assembly of a court or otherwise, the officer shall report the case and the reasons for the delay to the Adjutant-General of the Defence Forces.” :
- (n) By omitting from Rule 49c of the Rules of Procedure the reference to His Majesty, and substituting a reference to the Governor-General :
- (o) By revoking Rule 90 of the Rules of Procedure, and substituting the following rule :—  
 “ 90. *Preservation of Proceedings.*—The proceedings of a military court shall, after promulgation, be forwarded to the Judge Advocate-General of the Defence Forces, and there preserved for not less than seven years.” :
- (p) By revoking Rule 101 of the Rules of Procedure.

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SCHEDULE

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APPENDIX B

FORM OF WARRANT

I, . . . . . Governor-General of the Dominion of New Zealand, hereby authorize you, or any officer for the time being performing the duties of your office named below, from time to time as occasion may require to convene Military Courts for the trial of any such prisoners of war as may for the time being be under or

within the territorial limits of your command, who shall be charged with any offence, whether such offence shall have been committed before or after you shall have taken upon yourself your command. The said Military Courts shall be constituted and shall proceed in the trial of the offenders and in giving sentence and awarding punishment according to the powers and directions contained in the United Kingdom Regulations referred to in the Prisoners of War (Discipline) Emergency Regulations 1944.

And I do hereby further authorize you, or any officer for the time being performing the duties of your office named below, to confirm the proceedings of any such Military Court and to cause any sentence thereof to be put in execution according to and subject to the directions contained in the United Kingdom Regulations above referred to.

As witness the hand of His Excellency the Governor-General, this ..... day of ....., 19..

To .....

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Minister of Defence.

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*: 25th day of August, 1944.  
These regulations are administered in the Army Department.