



**THE PATRIOTIC PURPOSES EMERGENCY REGULATIONS
1939, AMENDMENT NO. 7**

C. L. N. NEWALL, Governor-General

By his Deputy,
MICHAEL MYERS
ORDER IN COUNCIL

At the Government House at Wellington, this 5th day
of July, 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.

REGULATIONS

1. These regulations may be cited as the Patriotic Purposes Emergency Regulations 1939, Amendment No. 7, and shall be read together with and deemed part of the Patriotic Purposes Emergency Regulations 1939* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by inserting, after Regulation 9, the following new regulations :—

“ REGULATION 9A.—NEW PROVINCIAL DISTRICTS

“ (1) The Minister may from time to time, by notice published in the *Gazette*,—

“ (a) Declare any subdivision of any provincial district to be a new provincial district :

“ (b) Declare any two or more subdivisions of any provincial district to be united and to form a new provincial district.

“ (2) Every notice given under this regulation shall specify the name and boundaries of the new district and the date from which the new district is constituted.

* Statutory Regulations 1939, Serial number 1939/194, page 789.
Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/237, page 1007.
Amendment No. 2 : Statutory Regulations 1939, Serial number 1939/254, page 1007.
Amendment No. 3 : Statutory Regulations 1940, Serial number 1940/74, page 233.
Amendment No. 4 : Statutory Regulations 1940, Serial number 1940/295, page 1021.
Amendment No. 5 : Statutory Regulations 1941, Serial number 1941/97, page 333.
Amendment No. 6 : Statutory Regulations 1942, Serial number 1942/318, page 782.

“(3) Every new district constituted under this regulation shall be deemed to be a provincial district established under these regulations, and the provisions of these regulations shall apply thereto accordingly.

“REGULATION 9B.—ALTERATION OF BOUNDARIES OF DISTRICTS

“(1) The Minister may from time to time, by notice published in the *Gazette*, alter and redefine the boundaries of any provincial district by the inclusion therein or the exclusion therefrom of any area.

“(2) Every notice given under this regulation shall define the boundaries of any area thereby included in or excluded from any district, and the altered boundaries so defined shall, as from the taking effect of the notice, be the boundaries of the districts specified therein.

“REGULATION 9C.—ADJUSTMENTS ON CONSTITUTION OF NEW DISTRICT OR ALTERATION OF BOUNDARIES

“Where any new provincial district is constituted under Regulation 9A hereof, or where the boundaries of any provincial district are altered under Regulation 9B hereof, the following provisions shall apply:—

“(a) The remaining part of the provincial district from which a part is severed, and the remaining subdivisions thereof, shall be deemed to be the same district and subdivisions as before the severance, and the members of the Council of the remaining part of that district, other than those members (if any) who before the severance were members of the controlling committee of any subdivision so severed, shall continue to be members of the Provincial Council of that district as though the severance had not been made:

“(b) The Council of the original district and the Council of the new district, or, in the case of an alteration of boundaries, the Councils of the districts affected by the alteration, may agree together to make such adjustment of property, debts, liabilities, and engagements between the original district and the new district, or, as the case may be, between the districts affected by the alteration, as those Councils think fit:

“Provided that where any moneys or other personal property subject to the agreement are moneys or property collected or donated for any specific purpose it shall be a condition of the agreement that the Provincial Council acquiring the control of those moneys or that property shall hold and apply the same for that purpose only:

“(c) Every such agreement shall be in writing, and shall be final as between the Provincial Councils who are parties thereto:

“(d) If no such agreement is made within a period of three months after the constitution of the new district, or, in the case of an alteration of boundaries, within a period of three months after the alteration takes effect, the Minister may at any time after the expiration of that period, upon the application in writing of the Council of either the new district or the original district, or, as the case may require, of any district affected by the alteration, appoint some person to hold an inquiry and make an award as to the matters mentioned in paragraph (b) of this regulation:

- “(e) Any award made under this regulation may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested and by whom any moneys shall be paid or other acts and things done, including the payment by any party of the whole or any part of the expenses of the inquiry ; and the person making the award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry :
- “(f) Every such award shall be final, and shall from the date thereof have the operation of and be enforceable as and be held to be a judgment of the Supreme Court :
- “(g) All property, real or personal, transferred to the new district, or, in the case of an alteration of boundaries, transferred from one district to another, by any agreement or award made under this regulation shall be deemed to have vested, on the date of the constitution of the new district, or, as the case may require, on the date on which the alteration of boundaries took effect, in the Council of the district to which it is transferred :
- “(h) No person appointed under this regulation to hold an inquiry and make an award shall be deemed to be an arbitrator within the meaning of the Arbitration Act, 1908, and nothing in that Act shall apply to any such inquiry or award.

“REGULATION 9D.—UNION OF DISTRICTS

“(1) The Minister may from time to time, by notice published in the *Gazette*, declare any two or more provincial districts to be united and to form one provincial district, with such name and from such date as may be specified in the notice.

“(2) Every such united district shall be deemed to be a provincial district established under these regulations, and the provisions of these regulations shall apply thereto accordingly.

“REGULATION 9E.—ADJUSTMENTS ON UNION OF DISTRICTS

“On the union of two or more provincial districts the following provisions shall apply :—

- “(a) All property, real or personal, including the Provincial Fund, belonging to, vested in, or controlled by the Council of any of the original districts shall be deemed to be vested in and controlled by the Council of the united district :
- “Provided that all moneys and other personal property collected by or donated to the Council of any of the original districts for any specific purpose shall be held and applied by the Council of the united district for that purpose only :
- “(b) All moneys payable to the Council of any of the original districts shall become payable to the Council of the united district :
- “(c) All liabilities and engagements of the Council of any of the original districts shall become liabilities and engagements of the Council of the united district :
- “(d) All proceedings pending by or against the Council of any of the original districts may be carried on or prosecuted by or against the Council of the united district.

“REGULATION 9F.—FIRST PROVINCIAL COUNCIL OF NEW OR UNITED DISTRICT

“ (1) Where any subdivision of a provincial district is declared to be a new provincial district the members of the controlling committee of that subdivision shall, as from the date of the constitution of the new district, be the members of the first Provincial Council of the new district.

“ (2) Where two or more subdivisions of a provincial district are united to form a new district the following provisions shall apply:—

“ (a) The controlling committees of the several subdivisions so united shall be deemed to be dissolved as from the date of the constitution of the new district :

“ (b) The first Provincial Council of the new district shall consist of such number of representatives of each of the subdivisions so united as the Minister determines, having regard, in such manner as he thinks fit, to the relative populations of those subdivisions, to the relative capital values of the property therein, and to all other relevant considerations :

“ (c) Within one month after the determination by the Minister as aforesaid of the number of persons to hold office on the first Provincial Council as representatives of any subdivision, the persons who on the date of the constitution of the new district were the members of the controlling committee of that subdivision shall hold a meeting and appoint the required number of persons as the representatives of that subdivision. Any person, whether or not he was a member of that controlling committee, may be so appointed. Every such representative shall be deemed to have been duly appointed if he is appointed on the votes of a majority in number of those present at the meeting and voting in respect of the appointment :

“ (d) If within the aforesaid period of one month no persons are duly appointed to represent any subdivision, or a less number is appointed than is required by virtue of this clause, the Minister may appoint as many persons to be representatives thereof as are required, and every person so appointed shall hold office as if he had been duly appointed under the last preceding paragraph :

“ (e) Pending the appointment under this clause of the members of the first Provincial Council of the new district the members of the controlling committees so dissolved shall, as from the date of the constitution of the new district, be the provisional Council of that district and shall be deemed to be a Provincial Council established under these regulations, and the provisions of these regulations shall apply thereto accordingly.

“ (3) On the union of two or more provincial districts the following provisions shall apply:—

“ (a) The Provincial Councils of the original districts shall be deemed to be dissolved :

“ (b) The first Provincial Council of the united district shall consist of such number of representatives of each of the original districts as the Minister determines, having regard, in such manner as he thinks fit, to the relative populations of the original districts, to the relative capital values of the property therein, and to all other relevant considerations :

“(c) Within one month after the determination by the Minister as aforesaid of the number of persons to hold office on the first Provincial Council as representatives of any original district, the persons who on the date of the constitution of the united district were the members of the Provincial Council of that original district shall hold a meeting and appoint the required number of persons as the representatives of that original district. Any person, whether or not he was a member of the Provincial Council of the original district, may be so appointed. Every such representative shall be deemed to have been duly appointed if he is appointed on the votes of a majority in number of those present at the meeting and voting in respect of the appointment :

“(d) If within the aforesaid period of one month no persons are duly appointed to represent any original district, or a less number is appointed than is required by virtue of this clause, the Minister may appoint as many persons to be representatives thereof as are required, and every person so appointed shall hold office as if he had been duly appointed under the last preceding paragraph :

“(e) Pending the appointment under this clause of the members of the first Provincial Council of the united district, the members of the Provincial Councils so dissolved shall be the provisional Council of that district and shall be deemed to be a Provincial Council established under these regulations, and the provisions of these regulations shall apply thereto accordingly.

“(4) Every member of the first Provincial Council of a new or united district shall come into office on the day of his appointment, and shall hold office until his successor comes into office in accordance with rules to be made by the Council as hereinafter provided.

“(5) The first Provincial Council of every new or united district shall be deemed to be a Provincial Council established under these regulations, and the provisions of these regulations shall apply thereto accordingly.

“(6) The first meeting of the first Provincial Council of every new or united district shall be held at such time and place as the Minister appoints.

“(7) The first Provincial Council of every new or united district shall, at its first meeting, appoint one of its members to be the Chairman of the Council, and the Chairman so appointed shall hold office until his successor comes into office in accordance with rules to be made by the Council as aforesaid.

“(8) Pending the appointment of the first Provincial Council of a new or united district the provisional Council (if any) of the district shall, at its first meeting, appoint one of its members to be Chairman of the provisional Council, and the Chairman so appointed shall hold office until the coming into office of his successor, or, as the case may be, until the appointment of the first Provincial Council of the district.”

3. (1) Regulation 9 of the principal regulations is hereby consequentially amended as follows :—

(a) By inserting in clause (1), after the words “ For the purposes of these regulations ”, the words “ but subject to the provisions thereof ” :

(b) By revoking clause (2) thereof.

(2) All alterations of boundaries which by virtue of the said clause (2) are in force on the commencement of these regulations shall enure for the purposes of the principal regulations, as amended by these regulations, as if they had been made under the provisions of Regulation 9B of the principal regulations, as set out in Regulation 2 hereof, and accordingly shall, where necessary, be deemed to have been so made.

4. (1) Regulation 9 of the principal regulations is hereby further amended by inserting the following new clause as clause (2) thereof:—

“ (2) The Provincial Council of any provincial district may in such manner as it thinks fit subdivide its district, and may from time to time alter and redefine the boundaries of any subdivision.”

(2) Regulation 9 of the principal regulations is hereby further amended by revoking clause (3) thereof.

(3) All subdivisions of provincial districts which by virtue of the said clause (3) are in existence on the commencement of these regulations shall enure for the purposes of the principal regulations, as amended by these regulations, as if they had been made under the provisions of the new clause (2) of the said Regulation 9, as set out in this regulation, and accordingly shall, where necessary, be deemed to have been so made.

5. (1) Regulation 10 of the principal regulations, as amended by Regulation 3 of the Patriotic Purposes Emergency Regulations 1939, Amendment No. 5,* is hereby further amended by revoking clause (2) thereof.

(2) All Provincial Councils and controlling committees which by virtue of the said clause (2) are in existence on the commencement of these regulations shall continue in existence for all the purposes of the principal regulations, as amended by these regulations.

6. (1) Regulation 10 of the principal regulations is hereby further amended by revoking clause (4), and by revoking clause (5), as added by the Patriotic Purposes Emergency Regulations 1939, Amendment No. 5, and by substituting the following new clauses :—

“ (4) Every Provincial Council shall, before the 30th day of November, 1944, make rules, not inconsistent with these regulations,—

“ (a) Prescribing procedure for the election or appointment, and for the vacation of office, of members of the Council, members of controlling committees, and members of special committees of the Council and of controlling committees :

“ (b) Prescribing procedure for the election or appointment, and for the vacation of office, of Chairmen of the Council and of the said committees :

“ (c) Defining the powers, functions, and duties of the said committees :

“ (d) Regulating the proceedings of the Council and of the said committees :

“ (e) Prescribing procedure for the variation or revocation of any rules made under this regulation :

“ (f) Generally concerning such other matters relating to the constitution, procedure, and duties of the Council and the said committees as may in the Council's opinion be necessary or expedient for giving full effect to the objects for which the Council and the said committees are established.

* Statutory Regulations 1941, Serial number 1941/97, page 333.

“(5) Any Provincial Council may from time to time vary, revoke, or add to any rules made under this regulation.

“(6) All rules made under this regulation, and every variation or revocation of any such rule, and every addition to such rules, shall, as soon as practicable after the making thereof, be submitted to the Minister for his approval, and no such rule, variation, revocation, or addition shall come into force unless and until it is approved by the Minister.

“(7) Before approving any rules made by a Provincial Council under clause (4) or clause (5) of this regulation the Minister may require the Council to make such amendments therein or additions thereto as he thinks fit.

“(8) If any Provincial Council fails to comply with any of the provisions of clause (4) or clause (6) of this regulation the Minister may make such rules as he thinks fit in respect of any of the matters mentioned in the said clause (4), and all rules so made shall have effect as if they had been made by the Council under this regulation and approved by the Minister.”

(2) The Patriotic Purposes Emergency Regulations 1939, Amendment No. 5,* are hereby revoked.

7. Regulation 25 of the principal regulations is hereby amended by inserting, after clause (1), the following new clause :—

“(1A) Every Provincial Council shall, in the month of October in each year, cause the Provincial Fund, and all accounts required by these regulations to be kept in connection therewith, to be balanced in respect of the year ended on the 30th day of September then last past.”

8. The principal regulations are hereby further amended by inserting, after Regulation 33, the following new regulation :—

“REGULATION 33A.—COLLECTIONS FOR PURPOSES OTHER THAN APPROVED PATRIOTIC PURPOSES

“(1) The Minister may from time to time, by public notice, prohibit the raising or collecting, whether by means of public appeal or otherwise howsoever, of any moneys or goods for any specified purpose, not being an approved patriotic purpose, or the soliciting by any such means of gifts in money or goods for any specified purpose, not being an approved patriotic purpose, by any specified society, association, or body of persons, whether incorporated or not, if in the opinion of the Minister the public or any section of the public is likely to be misled into believing that it is or will be contributing to an approved patriotic purpose.

“(2) For the purposes of this regulation the expression ‘public notice’ means a notice published in the *Gazette* or in any newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

“(3) Every notice given under this regulation shall take effect when it is published, or at such later time as may be specified in that behalf in the notice.

“(4) Any notice given under this regulation may be at any time varied or revoked by a subsequent notice.

“(5) While any notice given under this regulation remains in force it shall not be lawful for any society, association, or other body of persons specified in the notice to raise or collect or solicit gifts of money

* Statutory Regulations 1941, Serial number 1941/97, page 333.

or goods by any means whatsoever for any purpose so specified, or to continue by any such means to raise or collect or solicit gifts of money or goods for that purpose.

“(6) For the purposes of this regulation the Minister, or any person authorized by him in that behalf, may from time to time require any society, association, or body of persons, whether incorporated or not, to furnish such information and particulars, and to produce such books, accounts, papers, and other documents, relating to its constitution, proceedings, and activities as the Minister or such authorized person thinks fit.

“(7) If any society, association, or body of persons fails or refuses to conform to any requirement of the Minister or any authorized person under the last preceding clause, every officer and every member of the committee or other governing body thereof shall be liable on summary conviction to a fine of £10 and (if the offence is a continuing one) to a further fine of £2 for every day during which the offence continues, unless he proves that the failure or refusal has taken place without his authority or consent.”

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 6th day of July, 1944.

These regulations are administered in the Department of Internal Affairs.